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Current Topics.

The Law Society and the Poor Persons Procedure.

THE INTERESTING discussion at the Special Meeting of the Law Society last week, which we report elsewhere, had a satisfactory ending in the adoption of a resolution requesting the Council to consider whether the existing arrangements should be amended, and to make a report to the Society, the object of these last words being to secure that the members should have an opportunity of considering the report before it was submitted to the Lord Chancellor. It appears that in fact the Council have already nearly completed a report on the subject, so that there should be no great delay.

Divorce Cases and Local Jurisdiction.

WE POINTED OUT last week that, inasmuch as Poor Persons' cases are almost entirely in divorce, the question depended very much on the facilities for local divorce trials, and we notice that Mr. E. A. BELL, in his speech at the meeting, referred to the memorandum by Mr. A. H. COLEY and Mr. CHARLES GODDARD on County Court Jurisdiction which was added to the Report of Mr. Justice P. O. LAWRENCE'S Committee, and Mr. ANDERSON, in a letter which we print this week, suggests the same view. That divorce work is suitable for county court jurisdiction is an opinion very widely held, but we will not go further into this question just now, except to say that such an extension of jurisdiction would, we imagine, automatically solve the present difficulty. Even as matters stand, the assize towns for matrimonial causes are unduly restricted. What, for instance, is the assize town for Portsmouth and Southampton? Naturally it would be Winchester, but that town is not in the list, and Exeter is substituted, to which town, of course, it is impracticable to take cases. And it would be easy to mention a number of important towns for which no proper facilities are provided. We see that Mr. Justice DARLING has been lecturing on "The King's Courts of Justice," and has deprecated any interference with the existing assize system until it has been thoroughly

examined. But surely there has been enough examination. What is now required is a system for ordinary as well as matrimonial cases in accordance with modern requirements, and in particular modern travelling facilities.

Gifts for Training of Mediums.

A NOVEL POINT as to charitable gifts was decided by RUSSELL, J., last week in the case of *Re Hummeltenberg: Beatty* v. *The London Spiritualistic Alliance, Ltd.* (*Times*, 27th January). The question was whether a gift to found a college for mediums was a valid charitable bequest. To establish this it was necessary to show, *inter alia*, that there was an educational use which was really for the public benefit, and that the use was one which the court could control. The learned judge decided against the validity of the bequest on the ground that neither of these conditions was satisfied. The difficult question whether, in any event, a trust for the promotion of "Spiritualistic" activities is not rendered illegal by the Witchcraft Act of 1735, his lordship refrained from attempting to discuss or decide. An interesting feature of the case was that evidence by affidavit was put in for the legatees of the endowment fund, with the object of showing that the work done by spiritualistic mediums is (1) for the public benefit, (2) can be rendered free from danger of fraudulent abuse by the exercise of proper precautions, and (3) is not *contra bonos mores*. These seem rather to be matters of public policy and morality of which we should have expected the court to take judicial notice, not to receive the assistance of expert witnesses. A curious suggestion made in the course of the case, that the heads of the Church should be invited to give evidence by affidavit as to the morality or otherwise of "spiritualistic" practice, seems open to the same criticism. But it was not taken very seriously, and was not acted on.

The Rent Restriction Act and Periodic Tenancies.

THE DRAFTSMAN of the Rent Restriction Act of 1920 set a very ingenious problem in construction when, in reproducing from the Act of 1915 the definition of "landlord" and "tenant," he added the further definition in s. 12 (1) (*g*). The original Act by s. 2 (1) (*d*)—to speak only of "tenant"—defined this word as including "any person from time to time deriving title under the original . . . tenant." The effect of this is clear, and accordingly it was held in *Collis* v. *Flower*, 1920, W.N. 377, that where a protected tenant died leaving a will, and a person who had resided with her continued in occupation, it was the executor who succeeded to the tenancy and to the statutory protection and not the occupier. In that case the tenancy was a yearly one, and notice to quit was not given till after the tenant's death, so that at her death the tenancy had not become a statutory tenancy. Then the Act of 1920, while re-producing the above definition of "tenant," went on to provide that the term should also include (1) the widow of a tenant dying intestate who was residing with him at the time of his death, or (2) where a tenant dying intestate leaves no widow or is a woman, such member of the tenant's family so residing as aforesaid as may be decided, in default of agreement, by the county court.

Devolution of the Tenancy on Death.

THE EFFECT of this additional definition was considered last week by the Divisional Court (BAILHACHE and MCCARDIE, JJ.) in *Mellows* v. *Low* (*ante*, p. 261). Shortly before the death of a weekly tenant of a flat, the flat was at her request sublet to A. Some months after her death letters of administration were taken out by her sister B. No notice to quit had been given, but the landlord claimed possession and obtained judgment in the county court, and if the devolution of title had depended only on s. 12 (1) (*g*), this would apparently have been right; for the tenant was a woman and no member of her family was residing with her at the time of her death. But the court, pointing out that the question was of importance, since it affected yearly and other periodic tenancies as well as weekly tenancies, held that there was nothing in the new paragraph to exclude the rule that, on administration being taken out, a tenancy vests in the administrator from the date of the death. It is well settled that a periodic tenancy does not determine and recommence at every period, but is a continuing tenancy: *Gandy* v. *Jubber*, 9 B. & S. 15, and this rule has been applied to weekly tenancies: *Bowen* v. *Anderson*, 1894, 1 Q.B. 164. Accordingly in the present case the court held, reversing the judgment of the county court, that the administrator was entitled to possession as against the landlord, and this, of course, protected the sub-tenant. It would, no doubt, be the same where, after the expiration of a notice to quit, a tenancy has been turned into a statutory tenancy. But where there is a person who was residing with the deceased, presumably it would be that person and not the administrator, who would, by virtue of para (*g*), be entitled to protection.

The Meaning of "Furniture."

ANOTHER IMPORTANT decision under the Rent Restriction Act is that of *Crane* v. *Low* (*Times*, 27th January), where a Divisional Court held that articles such as linoleum and blinds are not "furniture," so as to convert a tenancy within the statutory limits of value into an unprotected "furnished letting." The view taken by the court was that, when the statute excludes from its ambit premises the rent payable in respect of which includes payments for "furniture," board or service, the Legislature contemplates such a quantity and description of furniture as will amount to a reasonable equipment of the house for the purposes of a habitation. What amounts to such an equipment is a matter of fact to be decided on the merits of each case; but the judge is not at liberty to hold that anyone can reasonably inhabit bare walls which happen to be carpeted and supplied with a few fittings. The contrary view has been taken by most county court judges, who have held that they are precluded from enquiring into the adequacy of the furniture provided there is *some* furniture. But, as Mr. Justice MCCARDIE pointed out, the statute does not speak of "some furniture" or "a piece or two of furniture"; it says "furniture" *simpliciter*, and this phrase obviously implies an establishment of furniture. The practical effect of the decision is to defeat the system of getting out of the statute adopted by some landlords whenever a vacant room or flat falls into their hands, namely, that of putting in an article or two and re-letting the premises as "furnished" at treble the "standard" rent contemplated by the Act.

Rent Restriction and Furnished Houses.

A LEARNED CORRESPONDENT writes: "The question whether a strip of linoleum will turn the scale so as to exempt a flat from the operation of the Rent Restriction Acts was lately before the Divisional Court. In s. 12 of the Act of 1920 it is enacted that that statute 'shall not, save as otherwise expressly provided, apply to a dwelling-house *bonâ fide* let at a rent which includes payments in respect of board, attendance or use of furniture.' The point in the case under discussion seems to amount to this: 'Is a house a furnished house if, apart from fixtures and fittings, it contains a strip of old linoleum, and no other semblance of furniture?' The court decided (see *Crane* v. *Cox*, *Times*, 27th January) that the words 'use of furniture' in the section above referred to, implied a substantial amount of what is usually understood by furniture (as distinguished from fixtures and fittings) such as chairs, tables and bedsteads. The decision certainly seems to be a useful application of the maxim '*de minimis non curat lex*.' The word 'furniture' appears to be generally applied to useful or ornamental moveable articles in a house, and as linoleum is undoubtedly extremely useful, though perhaps often far from ornamental, it could hardly be seriously contended that linoleum was not in itself furniture. But there is an element of absurdity in the reflection that a strip of linoleum, apparently so trite and valueless that a previous tenant did not take the trouble to remove it, was afterwards in a position to play the rôle of a formidable bone of contention—or at any rate of an effective carpet on which the bone could be picked—in a complicated system of legislation."

The Validation of Japanese Treaties.

EVER SINCE European statesmen found themselves left in the lurch through failure to ascertain the credentials of President WOODROW WILSON as plenipotentiary to bind his Government in respect of the Treaty of Versailles, international lawyers have paid renewed attention to the question of constitutional law which arises in the case of every treaty between two countries—In whom is the Treaty-making power vested? In America, of course, the constitution confers this power on the Senate—although everybody in Europe overlooked this in 1919. In Japan a similar difficulty has just arisen. The Japanese Government has just concluded a very important Postal Treaty with China, and has now presented it to the Emperor for ratification. The Japanese Privy Council has objected in a formal memorial to the Throne: *Times*, 19th January, p. 9. The Council claims that the Emperor, as a Constitutional Monarch, must act in accordance with the advice of his constitutional legal advisers; that in matters of Foreign Policy and Treaty-making the proper legal advisers are not the Cabinet but the Privy Council; and that a Treaty cannot be validly ratified without the assent of the latter body. In other words, the claim is put forward that the Japanese Constitution does not establish Cabinet Government and the Sovereignty of Parliament as in England and her Colonies, but rather some form of Presidential Government, as in the United States, France and Latin America, where foreign affairs remain vested in the Senate. The strength of the claim, on historical and legal grounds, appear to be that the "Elder Statesmen" formerly exercised this power, and that the Privy Council have succeeded to all the rights and privileges of the "Elder Statesmen." This is an interesting point of Japanese Constitution Law on which it is impossible for us to express any opinion; but the moral is that our Foreign Office must ascertain carefully, whenever it negotiates a treaty, the exact constitutional status in treaty-making power of the Government with which it negotiates. The unhappy fiasco of the Treaty of Versailles, rendered largely nugatory by the refusal of America to ratify—even supposing that in any case the Treaty deserved ratification, a very doubtful hypothesis—was at least partly due to our British habit of assuming that the constitution of every foreign country may be assumed to be modelled on our own.

Lord Cave's Inheritance.

II.—Communications between Judicature and State.

IF, in the consolidation of the Judicature Acts, consolidation pure and simple is in contemplation, then the section under consideration instituting the annual Council of the Judges and the report of their Resolutions to the Home Secretary will be re-enacted in its entirety, and, with the force and character of a new statute, it can hardly escape application in its entirety. But, if Lord BIRKENHEAD'S attitude towards part of it denotes the studied view of the Lord Chancellor's office, the employment of the section in its entirety is apparently not agreeable to that office, and we may on that account be confronted with an endeavour to re-enact the section in part only, omitting the directions relative to public safeguards. We know that Lord BIRKENHEAD favours the re-enactment of the section so far as the revival of the Council is concerned, but we also know that he regards the Lord Chancellor, not only as head of the Judicature, but as representative of the people in their relations with the Judicature, and so as controlling the bridge at both ends as it were, and he used language in this connection showing his resolve to admit no rival. Though, as Lord CAIRNS said in effect, in the debate on the Judicature Bill, we in fact have no minister in this country who may be regarded as the representative of the people in the domain of Justice, it may be that the appointment of one of His Majesty's Principal Secretaries of State to receive the reports of the Judges could be regarded as a first step in this direction operating by way of statutory selection of one, since in the hands of a Minister alive to the possibilities, if not the responsibilities, of his office, the position admits of the exercise of no little authority in the working of the Judicature. But that it would prove to be the seed sown from which an actual Ministry would emerge is pure matter of conjecture, and the neglect of so fundamental a provision of the statute as the submission of the Judges' Resolutions to the Home Office cannot be justified on that account.

Nevertheless, it is to be hoped that the section will be re-enacted without curtailment, and that the Home Secretary's duties will again be performed, and that they will come into the hands of a Minister who will make them of benefit to the community. Lord CAVE is exceptionally fitted for connection with this work of organization, for he combines within his experience the outlook of the two offices. He is now Lord Chancellor and may be taken to entertain the accustomed jealousies with regard to the exalted privileges of that station, and he has occupied the post of Home Secretary and can judge of the possibilities from the standpoint of the Home Ministry. It is difficult to say what Lord SELBORNE expected of the Home Secretary after he had received the Judges' Reports, but it does not require much imagination to divine to what ends his services could most profitably be directed. In matters of new legislation Parliament is supreme, and the two Houses are assemblies so composed that laymen are adequately represented. But in the matter of the services for giving effect to new legislation this is not the case. Lord SELBORNE, in introducing the Judicature Bill, said that there was often a difficulty in the way of those who endeavour to deal with the subject of law reform, arising from the fact that there was not enough popular interest usually aroused to command at all times, amid the multiplicity of business which has to be discharged and the greater excitement which attends much of it, the amount of momentum which is needful to carry great measures of reform through. And, fifty years later, Lord BIRKENHEAD bears testimony to the same public detachment. In one of his Essays (Vol. I, p. 108) he states that the public take but little interest in the machinery of the law, which is in itself difficult to understand and makes but small appeal to the popular imagination. Legal reforms, if they are to come at all, he adds, must come through the conviction of the general body of both professions and through the persistent efforts of the leaders of both professions, first to educate their professional colleagues and then to convince their colleagues in the Cabinet.

No one can read Lord BIRKENHEAD'S work without appreciation of the fact that in his hands public right in the matter of law reform would not suffer. But the Judicature, like other institutions, is capable of reactionary tendencies, and it is not well that it should reach less disinterested days deprived of that public control which is necessary for its own no less than the public good. The Lord Chancellor has his own secretariat, now constituted as a permanent body, and it is growing, for quite recently, as Lord BIRKENHEAD says (Vol. I, p. 128), it has taken on new functions—those of the Accounting Officer of the Royal Courts of Justice and the County Courts Department of the Treasury. With public indifference to reform, or rather inability to understand the terms of it, the public standpoint finds no expression except through professional channels, and it may well be that, with the growing ascendancy of the Lord Chancellor's work in this connection, the public standpoint will find itself placed more and more in subjection to professional preconceptions.

It is not as if it were unrecognised that the public point of view should find expression. Even in matters of consolidation only, where the question of faithful reproduction of existing statutes is alone concerned, Lord BIRKENHEAD says (Vol. II, p. 188) that laymen should be consulted. But he does not speak of this as a right of general application. He is referring to the project for the consolidation of the Commercial Statutes, and he says that the Committee must not be confined to members of the legal profession, but must comprise representatives of the trading community also. But he recalls that the Criminal Law Committee was composed solely of lawyers, and he takes no exception

to the propriety of excluding laymen from this assembly. Why? Are the public less interested in one department of the law than in another? Why should not laymen serve on all committees dealing with law reform? But, what is more important, why should not the services of laymen be the subject of standing organization, just as the services of lawyers in the like connection are, through the agency of the Lord Chancellor and his staff, the subject of standing organization? The Lord Chancellor's secretariat is employed in the promotion of law reform. Why should not the public have their secretariat for the like purpose? Let law reform be the subject of the joint enterprise of the two secretariats, the one expressing the inside and predominantly professional point of view and the other the outside and public point of view.

In the equally complex institutions of railways and shipping the public have a medium of interpretation of their technique in the Ministry of Transport and Board of Trade and the consequence is that railways and shipping have a record for efficiency. Why should not the public be similarly equipped in the case of the Judicature. The inadequacy of the organization and procedure of the Judicature is matter of common knowledge and is moreover established on the authority of Lord HALDANE'S report as Chairman of the Machinery of Government Committee. Why should this be? At present the Judicature speaks in a language which the people do not understand, and there is no one to undertake *liaison* duties between them. No wonder the public abandon interest in law reform. If their views are to find expression, which they must do if technicality it not to reign throughout, they must be conveyed through an instructed mouthpiece. And for instruction to be adequate, it must be such instruction as comes to one who fills the office as head of a *permanent* body, and so has behind him the weight of experience. An office so developed is the office which it is believed the Home Secretary was intended by Lord SELBORNE, and is still destined, to fill. He may add other functions, but what is essential and primary in his work is the part which he and his staff will be called upon to play in providing a common platform for Judicature and State, on which professional preconceptions in the matter of reform can be reviewed and discussed in the light of public requirements on the subject, and where the technical and the simple points of view can meet half way. The Lord Chancellor's position as head of the Judicature is in no way affected by such a change, and it is to be hoped that unnecessary fears in this connection will not be allowed to bar the way. The Lord Chancellor would remain "chief legal adviser," as this, from the non-professional leanings implicit in his office, the Home Secretary could not be. And he would deal with the subject of personnel and would have charge of all appointments, and he would dispense all honours and rewards. But he would no longer remain the final judge of what developments in the Judicature best meet the public interest. In this the public view would find independent expression.

DOUGLAS M. GANE.

The Law of Property Act, 1922.

Infants.

SECTION 13 of the Act (" Infants and Lunatics ") has the marginal note, as regards infants, " Infants not to take legal estates," and the section runs :—

> " 13. For securing that the legal estate of an infant shall vest or be vested in trustees; for providing for the management of land vested in personal representatives during a minority . . . the provisions contained in the Sixth Schedule to this Act shall have effect."

But it would be wrong to suppose that the Sixth Schedule contains a complete set of provisions affecting infants. In fact the position of infants and the powers of disposition of their property have to be deduced from various parts of the Act itself as well as from the Schedule, and—a little oddly, perhaps—the fundamental principle is not in any substantive provision of the Act, but is tucked away in the definition of " estate owner " at the end of para. (13) of the definition clause (s. 188), a paragraph which is an omnibus definition of legal and equitable estates :—

> " An estate owner means the owner of a legal estate, but an infant is not capable of being an estate owner."

A legal estate is—perhaps unnecessarily, but no doubt *ex abundanti cautelâ*—defined as an estate which is by the Act authorized to subsist or be created at law; i.e., estates in fee simple and terms of years; hence, an infant is not capable of owning a legal fee simple or term of years.

This principle being established, it is natural to turn to the Sixth Schedule in order to see what becomes of the legal estate which under the existing system is frequently vested in an infant, but, on reading para. 1 (1) of the Schedule, it appears that this is premature :—

> " 1. (1) Where at the commencement of this Act, a legal estate in land is vested in an infant beneficially, or would by virtue of any provision of this Act have been liable to be so vested if the infant were of full age, it shall, by virtue of this Act, vest in the trustees (if any) of the settlement upon such trusts as may be requisite for giving effect to the rights of the infant and other persons (if any) interested."
>
> With provisoes relating to the trustees.

The difficulty in reading this clause is that it assumes a "settlement," whereas in the usual case of an infant becoming entitled to the fee simple, there is no actual settlement. Obviously, then, we must first find some provision which treats land held in fee simple by an infant as being settled land and the title under which he takes it as being, notionally, a settlement.

This involves a little further research. We turn first to the definition clause to discover whether " settlement " has a plain or a fancy meaning, and we find that it has the latter for (s. 188 (24)) :—

> " ' Settlement ' has the same meaning as in the Settled Land Acts, and includes an instrument which under the Settled Land Acts is deemed to be a settlement, and a settlement which is deemed to have been made by any person or to be subsisting for the purposes of those Acts."

There is more in the definition, but this is enough for the present, and on examination it will be found that it carries the fancy or notional meaning of settlement a long way. The Settled Land Act, 1882, started with what was *primâ facie* a sufficient and easy definition of an actual settlement—an instrument or instruments under which land stands for the time being limited to or in trust for persons by way of succession: s. 2 (1). The obvious example is an estate for life with remainders over. But a settlement contains interests other than the mere succession of estates; it provides for jointures and portions, and it has been held that there is still a settlement when the estate in fee has vested in one person subject only to charges of this nature: *Re Wimborne and Browne*, 1904, 1 Ch. 537, 541. This is now to be put beyond question, and by s. 48 (1) of the present Act a settlement is to " be deemed to be a subsisting settlement . . . so long as any limitation, charge, or power of charging under the settlement subsists." This is an example of the last words in the definition as quoted above—a settlement deemed to be subsisting.

But it is the other two kinds of notional settlement which apply to the case of infants—(1) An instrument which is deemed to be a settlement, and (2) a settlement which is deemed to have been made by any person. Both these expressions will be found in s. 53 (5) of the Act of 1922 :—

> " The instrument (if any) under which the estate or interest of an infant, who is deemed a tenant for life of settled land, arises or is acquired shall be deemed to be the settlement; but where, by reason of an intestacy or otherwise, there is no such instrument, then a settlement shall be deemed to have been made by the intestate or other persons through whom the infant derives title."

We still, however, have to discover when an infant is " deemed a tenant for life of settled land," and this depends partly on s. 59 of the Settled Land Act, 1882, and partly on s. 53 (4) of the Act of 1922. Section 59 provides that "where a person, who is in his own right seised of or entitled to possession to land, is an infant, then for the purposes of this Act the land is settled land, and the infant shall be deemed tenant for life. But this, it was held, did not apply to an infant who was only contingently entitled on attaining twenty-one, even though he was entitled to interim maintenance, *Re Horne*, 39 Ch. D. 84. Hence the gap is filled by s. 53 (4) of the present Act, which is as follows :—

> " (4) Where an infant will become beneficially entitled to land in possession on his attaining full age, and at any time during the minority there is no person having the powers of a tenant for life thereof, then, for the purposes of the Acts, the land is settled land and the infant shall be deemed tenant for life thereof . . ."

We thus arrive at the result that where an infant is entitled in possession at once, or contingently on attaining full age (provided there is no immediate tenant for life), the land is settled land, and the infant is " deemed tenant for life." Then, since he

is deemed tenant for life, if his interest arises under an instrument, that instrument is deemed to be the settlement, and therefore is included in the term "settlement" for the purposes of the Acts. "The Acts," it should be remembered, are the Settled Land Acts, 1882 to 1890, and Part II of the Act of 1922.

Section 59 of the Act of 1882 was not only defective in omitting the case of an infant entitled contingently on attaining twenty-one years; it did not state what was to be deemed the settlement under which the land was settled land. Where there is an instrument under which his title arises, that instrument is, as we have just seen, to be deemed the settlement. Where there is no instrument—as in the case of an intestacy—then we have the second of the cases we are considering. By s. 53 (5) a settlement is deemed to have been made by the intestate, and this notional settlement also is included in "settlement" for the purposes of the Acts. It should be noticed that the case of an infant taking land on an intestacy can hardly arise in respect of a death after 31st December, 1924, for under Part VIII the real estate will be held by the personal representatives on trust for sale and for distribution of the proceeds.

The foregoing statement has been necessary in order to explain why para. 1 (1) of the Sixth Schedule assumes that there is a settlement in the case of every infant who at the commencement of the Act has a legal estate in land. If he is entitled in fee simple under an instrument, that instrument is notionally the settlement; if he is entitled under an intestacy, a settlement is deemed to have been made by the intestate, and this notional settlement is the settlement. Then, of course, there are cases where there is an actual settlement and the infant is legal tenant for life under it. The matter as thus presented may seem a little difficult, but the difficulty lies in bringing together the *disjecta membra* which now represent the statute law in force, or soon to come into force, on the subject, and our treatment of it may serve to show how impracticable it would be to work the amended system until the re-casting and consolidating of the statutes has been effected. When that is done we hope that the Schedules to the Act of 1922 will be transferred to their appropriate places in the text of the consolidated statutes. There will thus in some statute be, first, a declaration that an infant cannot hold a legal estate in land; then a statement that land to which an infant is beneficially entitled—we need not repeat the nature of his interest—shall, whether actually settled or not, be regarded as settled land. This, of course, is no new idea. It has been familiar ever since the Settled Land Act, 1882. All that is now done is to fill up the omissions in that Act, and to adapt this treatment of an infant's land to the new system of legal estates.

So much having been made clear, we can proceed with the Schedule. Provision is made for vesting existing legal estates of infants in the trustees (if any) of the settlement (para. 1 (1) quoted above); for the holding during minority of the estate of an infant who becomes entitled on a death (para. 3); and prohibiting the conveyance of a legal estate to an infant (para. 4). This is in accordance with the rule that an infant is not capable of holding a legal estate. Estates now in an infant are divested, and hereafter estates cannot become vested in an infant. Para. 2 deals with estates of infant trustees and mortgagees, but with these we need not deal at present. Moreover, the provision of para. 1 (1) as to the divesting of legal estates already vested in infants cannot be satisfactorily considered apart from s. 2 and Sched. I (1), which govern the getting in of outstanding legal estates, and which we presume are intended to effect the change from the existing to the new system of legal estates which is to take place on 1st January, 1925. This we hope to take up next week.

The only point we need now notice as to the divesting and re-vesting of infants' legal estates is that, in the absence of trustees of the settlement, they go, pending the appointment of trustees, to the Public Trustee; but the persons in control are the father, mother, or testamentary or other guardian, in this order. The Public Trustee cannot act until requested by them, and they may appoint trustees, though, after they have requested the Public Trustee to act, other trustees cannot be appointed without his consent.

As to devolution on death, para. 3 (1) says:—

> "The provisions of this section shall have effect where an infant becomes entitled on a death to any interest in land not being an interest in the proceeds of sale of land subject to a trust for sale, and not being an interest in an undivided share of land."

Since the Schedule is an appendix to s. 13, it might be supposed that "section" here refers to that section, but the use of the word here and elsewhere in the Schedule appears to indicate that it refers to the "paragraph" which would, perhaps, be the usual and more distinctive term. The effect of para. 3 (2) is that during the minority, the land remains in the personal representative, who will have "all the powers conferred by the Settled Land Acts on a tenant for life and on the trustees of the settlement."

At first this is perplexing, for there may very well be actual trustees of the settlement; for instance, when a tenant for life—in whom the legal estate will be vested—dies, leaving an infant remainderman, and yet under para. 3 (2), these will be ousted. But sub-para. (3) provides for this case and empowers the personal representative to vest the land in the settlement trustees, and in the meantime he must give effect to their directions. But while this prevents a conflict of powers, it would probably have been better to direct the personal representative to vest the land in the trustees, subject to death duties and costs being provided for. It seems that both the personal representative and the trustees, while the land is vested in them respectively, fall within the definition of "statutory owner"; that is, persons who have the Settled Land Acts powers during a minority; s. 188 (22). With the paragraph under consideration—Schedule VI, para. 3—should be read paras. 3 and 4 of Schedule V (Settlements.)

Conveyances to infants as we have said, are for the future abolished; that is, they cannot take effect as conveyances; but para. 4 provides that such a conveyance shall operate as an—

> "agreement for valuable consideration to execute a settlement by means of a vesting deed and trust deed in favour of the infant, to appoint trustees of the settlement, and in the meantime to hold the land in trust for the infant."

But this is not to prevent the transfer to an infant of an interest in the proceeds of sale of land subject to a trust for sale, nor of an equitable interest in settled land.

It thus appears that the results of declaring that an infant cannot hold a legal estate have been very fully provided for. The estate will be held either by trustees or by personal representatives, or, in the case of a grant, by the grantor, and there will be persons who can exercise the statutory powers of a tenant for life. The scheme, indeed, is founded on the application, whenever there is an infant owner, of the statutory powers, and in the consolidated Acts its operation will, no doubt, be exhibited much more simply than in the existing legislation.

Doctors' Commons and the College of Advocates.

THERE is a certain romantic charm about the name of Doctors' Commons. The place itself is quaint enough, lying as it does in a narrow court between the stately building of St. Paul's Cathedral and the winding lanes which lead towards the river; but few now visit it except those impatient lovers who desire an Archbishop's licence to be married anywhere and at any hour. During the war, indeed, soldiers on leave became unexpectedly familiar with it because they had a way of insisting upon the fulfilment of engagements, long or short, before they returned to the trenches; and Doctors' Commons kindly gave them special facilities. Otherwise it is little known.

But the name is cherished by a wide public, that public which consists of story writers, men of letters, journalists, critics, and lawyers interested in the history of their profession. It suggests memories of the old order of proctors and the dim precincts of Cathedral cities in an old-fashioned but perhaps a merrier England. The reader of Trollope remembers Barchester Towers and that half-score of clerical novels in which that Victorian novelist contrived to present the lives of clergymen and their households in a form which is photographic in its realism. The reader of Boswell remembers that Dr. Johnson once aspired to be a member of Doctors' Commons. A later generation remembers the happy wit of Sir John Lawson Walton in the House of Commons when, as Attorney-General, he apologised for the political bribery and corruption once prevalent in Cathedral cities on the ground that "the spectacle of unapproachable virtue in our midst makes common men despair." The articled pupil reading for the Solicitors' Final remembers that until 1857 practice in the Ecclesiastical Courts was confined to a special order of barristers and solicitors, known as Doctors and Proctors respectively, and, if he has romance in his soul, wonders how any members of such interesting and historical corporations could bear to be absorbed in the more humdrum orders which now alone practise the law.

This is about all that most lawyers know or at any rate remember of Doctors' Commons. Yet it was the scene of a very remarkable movement in English legal and constitutional growth: the long-sustained effort of the Civilian lawyers to maintain themselves against Common Law and Equity, or Epiky, as the Archbishop of Canterbury recently described it, for five centuries of our legal history. Doctors' Commons, in fact, was the seat of the College of Advocates from 1570 to 1857, when they were dissolved on the occasion of the Probate, Divorce, and Admiralty jurisdiction being transferred from ecclesiastical to lay courts. And the College was the inheritor of a much older

tradition. It represented the mediæval doctors *Civilis Juris et Canonici Juris*, doctors *utriusque juris*, or doctors of both Civil and Canon Law, who all during the Middle Ages tried to insist that the Roman Law was the Common Law of Europe, and that its principles were the Jurisprudence which it was the duty of our judges to administer, except in so far as local custom to the contrary had been proved. The "general custom of the Realm," out of which Chief Justice Coke contrived to extract a magnificient body of juristic principles which ever since his day have been known as the Common Law, was regarded in the earlier Middle Ages as simply a body of special local custom, peculiar to the locality of England, like the special customs of Normandy or customs of Paris in France, which did not in any way oust the general jurisdiction of Roman Law throughout Christendom. This contention prevailed in Scotland and in every country in Europe except England: its failure to defeat the Common Law in our land alone is one of the still unexplained peculiarities which have gradually differentiated English History from that of the Continent. It cannot be accounted for by the fact that England became Protestant at the Reformation, for so did Scotland, Holland, and the great majority of the German States; yet they retained Roman Civil Law while rejecting the Canon Law. England, curiously enough, rejected the Roman Civil Law, but adhered, in ecclesiastical matters, to the Canon Law. As a matter of fact, the victory of Common Law and the general customs over the principles of Roman Jurisprudence was already apparent long before the Reformation. Probably the real cause of this divergence between English and Continental Progress was the insular patriotism of the English and their strong empiricism which has always preferred concrete customs to abstract doctrines or systematized principles rounded into a logical whole.

Be that as it may, the Civilian lawyers, by 1570, when they took up their abode in Doctors' Commons, had been ousted from every court except the Ecclesiastical and the Admiralty Courts. Their retention of the former was natural, because the law administered in Probate and Divorce was—at least in theory—Roman Law very much modified by statute and by custom. But their hold on Admiralty is more surprising. It was due to the fact that in the Middle Ages the Pope was accepted as temporal monarch on the High Seas and in all undiscovered islands; indeed, it was in virtue of this old jurisdiction that Adrian II, in 1494, issued the famous Bull dividing up the New World between Spain and Portugal. Upon this Bull, Henry of Navarre made the characteristic jest that he would recognise its validity when the Pope produced the will of Adam or of Noah leaving him residuary legatee. But in the Middle Ages papal jurisdiction over the High Seas was not doubted or disputed: and the ecclesiastical lawyers claimed sole right of audience in the Court of the Lord High Admiral.

For three centuries, from 1570 to 1857, the Doctors and Proctors of the Civil Law found Admiralty jurisdiction and procedure in their hands. They could not wholly bring in Roman Law, however, for the general customs of the High Seas, *i.e.*, International Law and Mercantile Law, had already made good their claim everywhere in Europe to be at least considered as an addition to the principles of Civil Law. But they did make an effort to exclude the Common Law. And so a fight went on, all through these three centuries, between the Common Law and the Roman Law for dominion over the soul of the Admiralty Judges wherever the custom of merchants did not lay down a rule. Lord Stowell inclined to the Roman side of the dispute, and did much to keep out Common Law principles, such as the doctrine of "Contributory Negligence." Until 1857 the strife was still in some doubt.

But the abolition of the College of Advocates changed all this. Barristers and solicitors became practitioners and judges in Admiralty. Naturally they brought with them a leaning towards the system which they were applying in the King's Bench or the Common Pleas. Commercial cases, in fact, were often tried indifferently in Admiralty or the Common Pleas, where shipping law was in dispute. So the Common Law quickly proved victorious, and the present day practitioner in Admiralty hardly knows that there ever was a time when the Common Law precedents he so freely quotes would have been regarded as anathema by the judges before whom he practised.

Doctors' Commons is with us still, although its glory has departed from it. The College of Advocates has gone: the Doctor and the Proctor are known no more. Perhaps a mistake was made by the legal reformers of 1857. It is always unwise to get rid of old institutions and old traditions, unless they are also old abuses. Something of romance has gone with the passing of the Civilian, and something of insular narrowness has come.

At St. John's College, Cambridge, the following have been elected to MacMahon law studentships of £150 a year:—Mr. G. S. McIntire, B.A. LL.B., formerly of Westoe Secondary School; and Mr. F. W. Stallard, B.A., LL.B., formerly of Shrewsbury School.

Res Judicatæ.

Misconduct of an Arbitrator.

(*Czarnikow & Co.* v. *Roth, Schmidt & Co.*, 38 T.L.R. 797, C.A.; *Royal Commission on Sugar Supply* v. *Trading Society Kwik-Hoo-Tong*, 38 T.L.R. 684, Div. Ct.; *Ramsden (W.) & Co.* v. *Jacobs*, 26 Com. Cas. 287.)

In connection with arbitrations, an ever-growing expedient in the settlement of commercial disputes, one most important point is the question whether or not the award can be set aside on the ground of "misconduct" on the part of the arbitrator. It is therefore interesting to note any recent cases extending or illustrating the construction which the Court places on this somewhat elastic term; and of such recent cases the three decisions noted above seem the most useful. In *Czarnikow's Case, supra*, the submission to arbitration had been expressly made subject to the Rules of the Refined Sugar Association. Of these, Rule 19 was: "Neither buyer, seller, trustee in bankruptcy nor any other person shall require, nor shall they apply to the Court to require, any arbitrators to state in the form of a special case for the opinion of the Court any question of law arising in the court of the reference . . ." This Rule obviously tends to oust the jurisdiction of the Court in every case arising within it, and the point at once arises whether such a regulation is not invalid, either as opposed to public policy, or else as a repugnant condition in a submission to arbitration. For such a submission is a contract, the object of which is to obtain a settlement of the case by arbitration proceedings as sanctioned by the Arbitration Act, 1890; such proceedings provide for the statement of cases by the arbitrator; therefore a condition excluding such a case stated seems inconsistent with the main purpose of the submission. This point, although obviously suggested by the case, was not actually decided. An arbitrator had refused to state a case on the application of the buyers; but he had also done more than this, for he had refused to stay or otherwise give the buyers an opportunity of applying to the Court to order a case stated, on which application the validity of the Rule would have been raised. This refusal of an opportunity to test the validity of the Rule, it was held, amounted to "misconduct," and therefore the award was set aside.

In the *Kwik-Hoo-Tong Case, supra*, the issue was simpler. Here the arbitrator had heard evidence in the absence of the parties, although the evidence turned out to be immaterial and could not have been of assistance to him in coming to a decision. In fact, it was assumed by the Divisional Court that the arbitrator could not properly have made any other award than the one actually made; nevertheless the irregularity of hearing mentioned above amounted to "misconduct," and the award was set aside. The Divisional Court consisted of two judges, Bray and Greer, JJ., of whom the former felt some doubts but did not see his way to differ from his learned brother. The case illustrates the principle that any extrajudicial court, when called on to justify its decision, must show that it has acted in complete compliance with the requirements of regular justice. Irregularities, even if irrelevant, oust its claim to adjudicate.

The third case, *Ramsden (W.) & Co.* v. *Jacobs, supra*, followed much the same line of reasoning as that of *Kwik-Hoo-Tong*. Here the arbitrators had heard the evidence of each party in the absence of the other, this course being highly convenient, and neither party taking any objection. It was nevertheless held that an irregularity of this kind cannot be waived by the parties. A Court of Justice cannot be empowered by litigants to violate fundamental rules of justice, and *à fortiori* neither can a Court of Arbitration.

Reviews.

Company Law.

COMPANY PRECEDENTS FOR USE IN RELATION TO COMPANIES SUBJECT TO THE COMPANIES ACTS, 1908 TO 1917. Part I. With Copious Notes. And an Appendix containing Acts and Rules by Sir FRANCIS BEAUFORT PALMER, Bencher of the Middle Temple. Twelfth Edition by ALFRED F. TOPHAM, LL.M., K.C. Assisted by LIONEL L. COHEN, M.A., ALFRED R. TAYLOUR, M.A., and H. S. G. BUCKMASTER, B.A., Barristers-at-Law. Stevens & Sons, Ltd. £3 10s. net.

It is ten years since the last edition of Vol. I of "Palmer" appeared—the part of the famous legal trilogy to which the company conveyancer and adviser most frequently has recourse—and now with the other two volumes published recently, Vol. III, Debentures, 1920, and Vol. II, Winding-up, 1921, the work is once more complete and up to date. Mr. Topham with Mr. Cohen has undertaken the work of all three volumes, Mr. Taylour has assisted in Vols. I and II, Mr. Buckmaster in Vol. I, and Mr. Evelyn Riviere in Vol. III. We are glad to place these names on record, for we know and appreciate the enormous care and labour which goes to the re-editing of a work of this kind.

In the ten years there has been very little addition to the statute law of companies, and the only material change in rules has been the issue last autumn of the new Reduction of Capital Rules. But there has been a great output of judicial authority, and, in addition to incorporating the recent cases, there has been, we learn from the preface, a thorough revision of the references to statutes and authorities. This has no doubt removed inaccuracies which had crept into earlier editions. With regard to the conclusiveness of the certificate of incorporation, it is pointed out (p. 25) that the doubt which used to exist has been removed by judicial decisions—of which *Hammond* v. *Prentice Brothers, Ltd.*, 1920, 1 Ch. 201, is the latest—and s. 17 of the Act of 1908. Indeed, it is only necessary to recognize that when the statute says "conclusive," it means what it says. Another point which frequently arises in practice is the extent to which persons dealing with a company are bound to satisfy themselves as to the regularity of its proceedings. The rule is that they are bound to see that the published regulations authorize the dealing, but they are not bound to do more and inquire into matters of internal management. For this *Royal British Bank* v. *Turquand*, 6 E. & B. 327, is cited as the leading authority, though, in practice, perhaps, reference is more frequently made to *County of Gloucester Bank* v. *Rudry, &c., Co.*, 1895, 1 Ch. 629. The recent case of *Dey* v. *Pullinger Engineering Co.*, 1921, 1 K.B. 77, is also cited. Under Income Tax, the note on the liability of a company to the tax has been usefully brought up to date, but the statement at p. 97 that a corporation is not liable to super-tax requires now to be qualified by a statement of the provisions of s. 21 of the Finance Act, 1922, under which either the members or the company may in certain cases be liable for super-tax on undistributed profits. This will in future be an important matter in the management of private companies, and since the new provision was announced last May and fully debated in the House of Commons in June and July, and the Act was passed on 20th July, we should have thought it might have been included, at any rate in the *Addenda*. And the case of *Inland Revenue Commissioners* v. *Sansom*, 1921, 2 K.B. 492, though the index says it is cited at p. 97, does not, as far as we can see, appear there, though it gave rise to the new provision as to undistributed profits, and contains a valuable judgment by Younger, L.J., discussing one-man companies. But we hope we are mistaken as to this omission.

At p. 103 there is an interesting note on Trade Unions and Combines, and p. 253 extracts from the Rules of the London Stock Exchange are usefully given, and special attention may be called to the note at p. 347 on the common vendor's restrictive covenant in agreements for sale. This contains references to the recent decisions in which the principle of construction of such covenants has been considered. We gather from the observations at p. 459 that the editor is not in sympathy with the suggestion made by the Courts for the shortening of the Memorandum of Association; see *Cotman* v. *Brougham*, 1918, A.C. p. 523, though it might have been thought that the new edition afforded a good opportunity of effecting a change in this direction. Another matter to which reference may be made is the power for the utilisation of reserve funds for the issue of bonus shares (pp. 735, 742) in the manner affirmed to be effectual to avoid super-tax in *Blott's Case*, 1921, 2 A.C. 171, and the cases on the nature of capital and profits have been added to by *Ammonia Soda Co.* v. *Chamberlain*, 1918, 1 Ch. 266, with the important judgment of the late Lord Swinfen, then Swinfen Eady, L.J. These are some of the matters which are likely to interest the reader, but they are only a sample of the contents of the volume which, in the present issue, will continue to be the continual guide and mainstay of the company lawyer.

Books of the Week.

The Industrial Court.—The Industrial Court; Practice and Procedure, Together with the Industrial Courts Act, 1919. (Relevant Provisions). The Industrial Court (Procedure) Rules, 1920, and Forms of Terms of Reference as Revised. By Sir WILLIAM MACKENZIE, M.A., K.C., K.B.E., President of The Industrial Court. Butterworth & Co. 2s. 6d. net. Postage 3d. extra.

Magistrates' Law.—Stone's Justices' Manual. Being the Yearly Justices' Practice for 1923, with Table of Statutes, Table of Cases, Appendix of Forms, and Table of Precedents. 55th Edition. Edited by F. B. DINGLE, Solicitor; Consulting Editor J. R. ROBERTS, Esq., Solicitor. Butterworth & Co., Shaw & Sons, Ltd. 32s. 6d. net.

Notable British Trials.—Trial of Mary, Queen of Scots. Edited by A. FRANCIS STEUART, Advocate. Wm. Hodge & Co., Ltd. 10s. 6d. net. Postage 9d. extra.

Correspondence.

Rent Restriction and Retrospective Legislation.

[To the Editor of the Solicitors' Journal and Weekly Reporter.]

Sir,—With reference to your suggestion under Current Topics, it would seem a reasonable and just way of settling the matter of excess rent to restore the six months' limitation imposed by the Courts (E.P.) Act, 1917, passed in consequence of the decision in *Sharp Bros. & Knight* v. *Chant*, 1917, 1 K.B. 771.

Six months is sufficient time for any tenant to ascertain his rights—so far as they can be ascertained nowadays—and if he does not do so, why should the landlord be the only one to suffer? No doubt the Legislature intended the Act to be interpreted in a "common-sense" way, but any interpretation is good enough to defeat a landlord's rights (if any).

F. R. B.

26th January.

The Law of Property Act, 1922.

ENTAILED INTERESTS.

[To the Editor of the Solicitors' Journal and Weekly Reporter.]

Sir,—The general effect of section 17, s-s. (1) and (2) of the Law of Property Act, 1922, appears to be that in the case of documents coming into operation after 1924—

(A) The Rule in *Shelley's Case* is abolished, so that words which under that Rule were construed as words of limitation will, after 1924, be construed as words of purchase.

(B) Entailed interests, that is equitable estates tail, may be created in any property by the use of words which now (apart from the Rule in *Shelley's Case*) would create a similar estate tail by deed in freehold land, *e.g.*, to A and the heirs of his body, or to A in tail, or to A and the heirs male of his body, or to A in tail male.

(C) Entailed interests cannot after 1924 be created in either a Deed or a Will by any expression except those of the kind referred to under (B), *e.g.*, it will no longer be possible to imply estates tail; and a devise to A and his issue will not create an estate tail.

(D) Any words which now (apart from the Rule in *Shelley's Case*) would create an estate tail in a Will but not in a Deed will in future in a Deed or a Will create such an interest in any property as they would now in a Will create in property, *e.g.*, a devise of land to A and his issue will be a gift in fee simple to A and his issue living at the testator's death as joint tenants.

If the above statement is correct, the construction of Wills will be simplified in certain respects.

C. P. SANGER.

5, New Square,
Lincoln's Inn, W.C.
29th January.

[But is this in accordance with the rule from Jarman which we referred to last week? ED., *S.J.*]

Rent Restriction and Variation in Rates.

[To the Editor of the Solicitors' Journal and Weekly Reporter.]

Sir,—May I enquire whether any reader has yet obtained, or heard of, a binding decision as to whether a tenant of property coming within the Rent Restrictions Act, 1920, when the rent includes rates paid by the landlord, and the rent has been increased to provide for the increase of rates, can, on the rates being reduced, claim a corresponding reduction of rent. The Act provides no machinery for the tenant to give notice of his intention to claim such a reduction; the notice of increase to be given by the landlord under Section 3, Sub-section (2), to increase the rent in respect of payments made by the landlord under Section 2 (*b*) does not in terms limit such increase to the period for which the rates are increased. What do the words "the amount for the time being payable by the landlord" mean? Do they refer exclusively to the amount payable at the time the notice is served or do they extend to amounts payable at future times? It may be said for the tenant that the increase being made to meet a specific additional charge upon the landlord in respect of the property the subject of the tenancy can only be enforced by him to the extent of his liability to discharge excess rates from time to time payable by him, but this implies identity of meaning between "for the time being" and "from time to time." In that case, however, what is the position with regard to notices of increase? The only decision I have met with was an application by a tenant to a Magistrate who held in favour of the landlord enforcing his claim for increased rent notwithstanding that the rates had been reduced (see *S.J.* for 13th May, 1922, p. 493).

A contribution by yourself on this, another obscure point under the Act, which does not yet appear to have received the attention of the Courts, would be much appreciated.

WM. HAROLD HOUSE.

22, Chancery Lane,
London, W.C.2.
30th January.

[We hope to consider the question. ED., *S.J.*]

Poor Persons Procedure (Divorce).

[To the Editor of the Solicitors' Journal and Weekly Reporter.]

Sir,—I wish to thank you for the hospitality of your columns on this subject. May I further trespass upon it to refer to the amendment to my motion, adopted by the Council at the Meeting of the Law Society on 26th inst.?

Apparently the Council accept, in my opinion, the fallacious analogy conveyed in such amendment, that every Solicitor who conducts poor persons' cases is *pro tanto* the proprietor of a private free hospital for the poor, rather than, as I submit, the obvious analogy of the panel doctor, unpaid.

Hospitals for the poor have never been, so far as I am aware, either founded, equipped, or maintained, by the medical profession, who give their individual services only to Hospital practice, and do not equip, or maintain, either the premises, or the staff. So much for the Hospital analogy.

The discussion on Friday last convinced me that the remedy for the existing congestion and regulations is abolition of Poor Persons Procedure in Divorce and extension of the County Court jurisdiction to include Matrimonial Causes, concurrently with the High Court.

I gather from the concluding sentence of your note in last week's Journal on this subject, that you are of the same opinion. The Assize Trial increases difficulties in some directions if it diminishes them in others. What is the objection to the County Courts disposing of, at least, such cases as are now being heard by a High Court Judge, at the rate of seven per hour?

The "poor persons" for whom I have conducted cases, were quite able to pay County Court costs and fees on Scale A or Scale B. The Applicant, or Petitioner, generally desires to incur expense in a new matrimonial venture, and is able to pay for witnesses coming from long distances to London, and frequently has in the background a father, brother, or potential second, or third, husband, willing to assist financially.

The present procedure is a fraud on the profession; "something for nothing" is always wrong.

140 & 141, Temple Chambers, Temple Avenue, London, E.C.4. H. ANDERSON.

30th January.

CASES OF THE WEEK.

House of Lords.

DARNGAVIL COAL CO. *v.* **McKINLAY.** 25th January.

NEGLIGENCE—CHILDREN SWINGING ON APPELLANTS' GATE—GATE DEFECTIVE—RESPONDENT'S CHILD KILLED—RELEVANCY OF ACTION.

Children were, to the knowledge of the appellants, in the habit of swinging on the appellants' gate which was defective. Whilst doing so a child of the respondent was killed, and the respondent brought this action against the appellants for damages. The Lord Ordinary dismissed the action as irrelevant, which decision was reversed by the First Division of the Court of Session, who approved an issue for the trial of the cause.

Held, that the case was not so clear that it ought to be stopped in limine, *and that it should go to trial.*

This was an appeal from an interlocutor of the First Division of the Court of Session in Scotland reversing an interlocutor of the Lord Ordinary on a question of relevancy. The respondent brought an action against the appellants for damages for the death of his son nine years of age, who died as the result of having his head crushed between the gate and the gatepost at the entrance to the appellants' colliery. The respondent averred that the house in which he lived was separated from the colliery by a wooden fence which had fallen into disrepair, so that at the date of the accident it was no longer effective in excluding access to the colliery grounds. In this fence there were two gates which formed the entrance to the colliery—a large gate at which the accident occurred intended for wheeled traffic and a smaller one intended for the use of foot passengers. The larger gate was doubly built and heavily constructed. It was fixed to the gatepost by means of large iron hinges, and in the gate there was a hook which was intended to fit into an iron eye affixed to an upright post with an arrangement for padlocking the hook so as to secure the gate when open and prevent it from being a source of danger. The gate had sagged owing to its weight, and for some time past the hook could not be brought into line with the eye so as to secure it. The appellants were aware that the gate was defective, and that the ground in the vicinity of the gate was used as a playground by the children of the miners. The children were also, to the knowledge of the appellants, in the habit of using the posts of the gate as goal posts when they were playing football. In July, 1921, the respondent's son was playing with other children about the gate, which was then open, when the gate, either of its own weight or through being moved by some of the other children, swung to and closed, and his head was caught between the gate and the gatepost, and he was killed.

The LORD CHANCELLOR, without calling on the respondent, said that he agreed with the First Division of the Court of Session that this was a case which should go to trial. Holding that view, he was unwilling to prejudice the trial by any detailed analysis of the points made in argument. It was averred by the respondent that children were regularly admitted both inside and outside the gate to play, and to swing on the gate, as children would, and that the gate was of such a size and weight as not to be familiar to children, and constituted a trap unless properly secured. That being so, it was the duty of the appellants to take precautions to avert the danger. He was not prepared to say that if all the allegations fairly interpreted were established a jury could not properly find a verdict for the pursuer. He did not wish to put any obstacle in the way of any argument which might arise at the trial. He thought that the case was not so clear that it ought to be stopped *in limine*. The appeal therefore would be dismissed with costs.

Lord DUNEDIN, Lord SHAW OF DUNFERMLINE, Lord BUCKMASTER and Lord CARSON concurred.—COUNSEL: *MacRobert*, K.C., and *J. M. Marshall* (both of the Scottish Bar); *T. M. Cooper* (of the Scottish Bar). SOLICITORS: *Beveridge & Co.*, for *W. T. Craig*, Glasgow, and *Rankin & Nimmo*, Edinburgh; *Hamlins, Grammer & Hamlin*, for *Erskine, Dods & Rhind*, Edinburgh.

[Reported by S. E. WILLIAMS, Barrister-at-Law.]

High Court—Chancery Division.

In re **WHITBURN: WHITBURN** *v.* **CHRISTIE**
Sargant, J. 11th and 12th January.

WILL—HEIRLOOMS DEVISED TO ACCOMPANY REAL ESTATE—DEVISE OF REAL ESTATE—SUBSEQUENT DISPOSITION OF THE REAL ESTATE BY DEED—VALIDITY OF GIFT OF HEIRLOOMS.

Where heirlooms are bequeathed to accompany real estate strictly settled, and the real estate is subsequently disposed of by voluntary deed inter vivos, *the bequest of the heirlooms by the will is not thereby rendered inoperative. The gift of the chattels in the will means that the persons named expressly or by reference in the limitations of the real estate contained in the will take the chattels, and not the persons entitled to the real estate by virtue not merely of the will alone, but of any document or fact effecting the devolution of the property.*

Darley *v.* Langworthy, 1774, 3 Bro. P.C. 359, *followed.*

Cases where the devise is altered in a codicil are distinguishable because in that case there is an indication of intention to vary the trusts.

In re Towry's Settled Estates, 1889, 41 Ch. D. 64, *distinguished.*

This was an adjourned summons raising the question whether trusts declared concerning chattels settled as heirlooms to accompany the realty became inoperative by a subsequent disposal of the realty by deed *inter vivos*. The testator, by his will dated 28th September, 1900, gave and bequeathed all his household plate, furniture, linen, china, pictures, books, etc., which should at his death be in or about his mansion house at Addington Park to his trustees in trust to permit his wife to have the use and benefit thereof during her widowhood, and afterwards in trust "to permit the same to be held or enjoyed as heirlooms by the person or persons for the time being entitled to the said capital messuage or mansion house under the limitations herein declared and contained, or as nearly as the rules of law and equity will permit, but so that the said heirlooms shall not vest absolutely in any person hereby made tenant in tail by purchase of the said capital messuage or mansion house unless he or she shall attain the age of 21 years." He devised his Addington Park estate to his trustees in trust to permit his wife to occupy and enjoy it during widowhood, and subject thereto he directed his trustees to stand possessed thereof to the use of the plaintiff C. W. S. Whitburn for life without impeachment of waste with remainder to his sons successively, according to seniority in tail general, with similar remainders for his daughters, with remainder to Mrs. Christie for life without impeachment of waste, with divers remainders over. In 1920 the testator by two voluntary deeds settled Addington Park upon different uses, thus rendering the devises thereof in his will inoperative..

SARGANT, J., after stating the facts, said: The question is whether the result of the devise of the real estate becoming inoperative by reason of the voluntary deeds is to render inoperative the bequests of chattels given so as to be enjoyed by the persons entitled to the mansion house under the limitations in the will. Cases such as *Martineau* v. *Briggs*, 1875, 23 W.R. 889, and *In re Towry's Settled Estates* (*supra*) differ in one vital respect from the present one, namely, that in both of them the devise of realty in the will is varied by a codicil and not by dispositions *inter vivos* by the testator. *In re Towry's Settled Estates* (*supra*) would have applied here had the variation in the devise of Addington Park been effected by codicil. I should then have thought that the variation sufficiently indicated an intention to vary also the bequest of the chattels given to be enjoyed with the realty. Here, however, the real estate has been dealt with by documents that are incapable of altering the testamentary disposition. The question is not what is the ultimate testamentary disposition of the testator. The question is whether the gift of chattels in the will means that the persons named expressly or by reference in the limitations of the real estate contained in the will are to take the chattels, or that the persons to take are those entitled to the real estate, not merely by virtue of the will alone, but by virtue also of any document or fact affecting the property which may alter its devolution. I think the former view is to be preferred, and the cases of *Baroness Wesselenyi* v. *Jamieson*, 1907, A.C. 440; *In re Fowler*, 1917, 2 Ch. 307, and *In re Cornwallis*, 1886, 32 Ch. D. 388, all point in this direction. Further, there is one case directly in favour of this view: *Darley* v. *Langworthy* (*supra*). It must be declared that the trusts of the chattels contained in the testator's will are not affected by the dispositions by the voluntary deeds of the real estate.—COUNSEL: *Ashworth James; H. H. King; Bryan Farrer; Church; C. A. Bennett.* SOLICITORS; *Bischoff, Coxe, Bischoff & Thompson; James & James; Bird & Bird.*

[Reported by L. M. MAY, Barrister-at-Law.]

Mr. Arthur a'Beckett Terrell, of FitzJames-avenue, West Kensington, late of Stone-buildings, Lincoln's Inn, W.C., barrister, son of the late Judge Terrell, left estate of gross value £12,900.

Probate, Divorce and Admiralty Division.

SMALL *v.* SMALL AND FURBER—THE KING'S PROCTOR SHOWING CAUSE. Duke, P. 18th January.

MARRIAGE AFTER PUBLICATION OF BANNS IN A FALSE NAME TO THE KNOWLEDGE OF BOTH PARTIES—MARRIAGE VOID.—THE MARRIAGE ACT, 1823 (4 Geo. IV, c. 76) s. 22.

Where two persons have knowingly and wilfully intermarried after publication of banns, in a false name, the marriage is null and void under s. 22 of the Marriage Act, 1823.

John Harry Smallwood, under the name of John Harry Small, was granted on 16th July 1921, a decree *nisi* for the dissolution of his marriage with the respondent, whose maiden name was May Taylor, on the ground of her alleged bigamy and adultery with Allan Furber. The King's Proctor now appeared to show cause why the decree *nisi* should not be made absolute. He alleged that the marriage celebrated between the petitioner and the respondent was null and void for undue publication of banns. In the alternative, he alleged that the petitioner had himself committed adultery with Dora Englefield, otherwise Dora Gordon. These allegations the petitioner denied. Counsel for the King's Proctor said that the ceremony of marriage between the petitioner and the respondent took place on 19th September, 1915, at St. Alban's Church, Great Ilford. The petitioner was married in the name of John Harry Small. His real name was John Harry Smallwood, and in that name, in December, 1914, he joined the Royal Field Artillery. He deserted from that unit in 1915, and afterwards he joined the Army Veterinary Corps in the name of Small. The banns of marriage were put up by the respondent in that name, to the knowledge of both the respondent and the petitioner, no doubt for fear of the petitioner's arrest for desertion. The Marriage Act, 1823 (4 Geo. IV, c. 76), section 22, provided . . . "If any persons . . . shall knowingly and wilfully intermarry without due publication of banns . . . the marriages of such persons shall be null and void to all intents and purposes whatsoever." It had been held that a marriage after publication of banns in a false name to the knowledge of both parties was void. *Wormald* v. *Neale and Wormald (falsely called Neale)* 1868, 19 L.T., N.S. 93. In that case, in the publication of banns, the woman's name was published as Morumild instead of Wormald. In the vestry of the church, before the solemnization of the marriage, the clergyman called out the names from the banns-book in the presence of both parties. The woman thereupon stated that her name was Wormald, and it was so entered by the clergyman in the marriage register. It was held that there had been an undue publication of banns and the marriage was pronounced null.

[The PRESIDENT: I see that the jury found that the respondent gave the name of Morumild purposely, and that both parties knew that the banns were published in the wrong name]. After this so-called marriage, the parties lived together for a short time at Ilford. In December, 1917, the respondent went through a ceremony of marriage at the Registry Office, West Ham, with Allan Furber, and afterwards lived with him as his wife. In March, 1918, she was arrested, and in June, 1918, she was charged with bigamy. She pleaded "Guilty," and was sentenced. The petitioner then took proceedings for divorce, and obtained a decree *nisi* on 16th July 1921. Inquiries by the King's Proctor had elicited the fact that while those proceedings were pending the petitioner had been living with Dora Englefield. Counsel for the petitioner said that the petitioner could not deny the allegations of the King's Proctor. He was unaware that the marriage was void in law until he read the King's Proctor's plea.

[The PRESIDENT: You don't suggest that he did not know his own name?] Evidence in support of the King's Proctor's case was called, and the respondent gave evidence that when she gave notice for the banns on the petitioner's instructions she was aware that the name which he was giving was a false one.

DUKE, P., after stating the facts, said, the truth of the matter is that there has been no valid marriage of the petitioner: the ceremony of marriage was a nullity. Therefore the decree of dissolution of marriage is an idle form. I discharge that decree. As the petitioner was the cause of these proceedings, I dismiss the petition, with costs, and I hope that the King's Proctor will see, if possible, that these costs are paid. He dismissed the petition on the ground that the marriage was void. COUNSEL. *Bayford*, K.C. and *Victor Russell* for the King's Proctor; *Tyndale*, for the petitioner. SOLICITORS: *The King's Proctor; Messrs. Sterns.*

[Reported by C. G. TALBOT-PONSONBY, Barrister-at-Law.]

Mr. A. L. N. D. Houghton, general secretary, The Association of Officers of Taxes, writing to *The Times* (20th January), says:—Mr. E. H. Nettleton's suggestion that payment of income tax might, in the case of individuals who were paid monthly or quarterly, be spread over the whole year instead of being paid in two instalments, whilst it has its attractions is decidedly outside the scope of the Departmental Committee on Forms recently set up by the Chancellor of the Exchequer. The terms of reference of that committee are to make recommendations for the simplification of income tax forms under existing law, and I am afraid there is no hope that they will extend their activities to recommendations regarding the introduction of new methods of payment which would require legislative changes. The Royal Commission went over all that ground a couple of years ago.

CASES OF LAST SITTINGS.

High Court—Chancery Division.

DRESDNER BANK (LONDON AGENCY) *v.* RUSSO-ASIATIC BANK. Russell, J. 3rd November, 1st, 5th and 18th December, 1922.

WAR—ENEMY BUSINESS—AGENCY—WINDING-UP ORDER—ASSETS OF THE BUSINESS—TRADING WITH THE ENEMY AMENDMENT ACT, 1916, 5 & 6, Geo. 5, c. 105, s. 1.

A "right of indemnity" is an "asset of the business" which a controller appointed under the Trading with the Enemy Acts can enforce. The Controller has power under these Acts to realize "the assets of the business," and to bring an action in the name of the business to recover these assets. Where the action is brought in the name of the London agency of the business, that is only descriptive and indicative that the matter in suit concerns the London agency.

The Dresdner Bank (London branch) issued a writ on 1st March, 1920, claiming a declaration that the defendants were liable to repay to the plaintiffs the money paid by them in respect of certain bills to the Bank of England, with interest at 5 per cent. on each instalment from the date of payment. The facts were as follows: In June, 1914, the defendants by their Paris branch drew ten bills of exchange on the Dresdner Bank, London, each for £5,000 payable in London three months after date to the order of Messrs. Harblucher and Schumann. The Dresdner Bank accepted the bills at their London branch and received as security for the acceptances Russian promissory notes for 755,000 roubles, payable in Russia. War had broken out when the bills fell due, and the defendants provided no funds to meet the bills, which under a scheme arranged between the Treasury and the Bank of England were approved and taken up, and the amount payable was discharged by the Bank of England. On the 20th June, 1917, the Dresdner Bank in London had repaid to the Bank of England the whole sum due for principal and interest. On 15th June, 1918, the Board of Trade, under the Trading with the Enemy Amendment Act, 1916, ordered the business carried on by the Dresdner Bank in the United Kingdom to be wound up, and appointed the Controller to wind up the business, with power to collect all moneys owing to the bank, and to bring actions in the name and on behalf of the bank.

RUSSELL, J., after stating the facts, said: The defendants have contended that as the plaintiffs have failed to present for payment the promissory notes they held as security at the dates when they fell due, they can set-off against the present claim the value of the notes at the rate of exchange then current; but that defence fails because there is no obligation on the plaintiffs to realize their security, and the defendants could have redeemed if they had chosen. It is clear from the evidence that the defendants had contracted to put the Dresdner Bank in funds at its London branch to meet the bills when they fell due, and to indemnify the Dresdner Bank against the failure to provide such funds. The defendants contended that this right of indemnity was not an asset of the business which the Controller could recover, and that the transaction was not the business of the London branch of the Dresdner Bank, but of the Berlin head office, and was not business which the Controller could wind up. In its books the London branch treated the matter as if it was acting as agent for the head office in Berlin, and when the bills were paid debited the head office with the amount and charged commission. The defendants contended that if the Berlin current account at the London branch was in credit, as the London branch had carried the amount paid on the bills to the debit of that current account the claim of the London branch had been satisfied, and that if the current account was not in credit, the London branch by debiting the amount to Berlin had substituted a claim on Berlin for its claim against the drawers of the bills. But every transaction of the London branch originated and every asset was acquired under authority from Berlin, either general or special. In law the debit against Berlin represents no debit due from one to the other any more than a debit by a man against himself. If the Bank of England had not taken up the bills, Harblucher and Schumann could have claimed against the Controller as creditors of the business of the London branch. If there had been no war, then the defendants in the ordinary course of business would have paid the money to the London branch, which would have paid the bills. It was part of the business of the London branch to collect from the defendants the money to be provided by them to meet the bills and to pay the bills at maturity. The London branch held the promissory notes as security for the transaction, and the Controller would have realized that security if it had been of any value. For these reasons I hold that the transaction was part of the business of the London branch, and that the contractual liability of the defendants to the Dresdner Bank was an asset of that business within s. 1 of the Trading with the Enemy Amendment Act, 1916. The defendants have also contended that the action will not lie because it is brought in the name of a branch of the Dresdner Bank, and that a branch as such has no legal existence. But s. 1 of the Act contemplates a business with assets and liabilities belonging to and due from the business, rather than as belonging to and due from the persons owning the business, and it contemplates a branch of a business with assets and liabilities belonging to and due from the branch, rather than as belonging to and due from the persons owning the entire business. To enable the Controller to realize "the assets of that business" the Board of Trade under the Act has given him power to bring an action in the name of the Dresdner Bank to recover any asset of the

business he has been appointed to wind up. This is an action in the name of the Dresdner Bank, the words "London agency" being merely descriptive and indicating that the matter in suit concerned the London branch. The defence accordingly fails, and the declarations asked for will be made.—COUNSEL: *Maugham*, K.C., and *C. A. Bennett*; *Schiller*, K.C., and *H. G. Robertson*. SOLICITORS: *Peter Thomas & Clark*; *Gilbert Samuel & Co.*

[Reported by L. M. MAY, Barrister-at-Law.]

High Court—King's Bench Division.

R. *v.* MINISTRY OF HEALTH; *ex parte* WYCOMBE UNION GUARDIANS. Div. Ct. 13th and 16th October, 1922.

POOR LAW—SUPERANNUATION ALLOWANCES—MODE OF CALCULATION—QUESTION ARISING BETWEEN GUARDIANS AND THEIR OFFICERS AS TO AMOUNT OF INCREASE—EMOLUMENTS—REFERENCE TO MINISTRY OF HEALTH—JURISDICTION—POOR LAW OFFICERS' SUPERANNUATION ACT, 1896, 59 & 60 Vict. c. 50, ss. 3, 18.

The master and matron of a school, belonging to the guardians of a Union, being about to resign their posts in October, 1921, applied to the guardians that a 75 per cent. increase made in 1920 by the guardians to the valuations of their emoluments for the calculation of their superannuation allowances should be deemed to be assigned to their emoluments as from October, 1916. The guardians refused and the master appealed by letter to the Minister of Health. The Ministry of Health made a direction in accordance with the request of the master.

Held, that the substance of the letter quite clearly stated that a question had arisen as to the true value of the emoluments to the master and his wife during the material period; that a contention had been raised on the part of the master and his wife on the one side, and a certain course had been taken by the guardians on the other, and that the Minister of Health was requested to determine the question, reference being made to s. 18 of the Poor Law Officers' Superannuation Act, 1896; and that the question was a proper one, and one the determination of which was within the jurisdiction of the Ministry of Health.

In July, 1922, an order *nisi* was made directed to the Minister of Health to show cause why writs of certiorari should not issue, requiring removal into the High Court of certain decisions of the Minister of Health, purporting to be made in pursuance of s. 18 of the Poor Law Officers' Superannuation Act, 1896. The ground of the complaint was that, in making those decisions, the Minister of Health acted in excess of his jurisdiction. The facts were as follows. The master and matron of a school at Bledlow, in the county of Bucks, which belonged to the Wycombe Union Guardians, obtained in June, 1920, a revaluation by the guardians of their emoluments, as from the 1st April, 1920. They had previously been valued at £40 and £35 respectively, and the effect of the revaluation was to increase the figure which had been assigned to the value of these emoluments by 75 per cent. In October, 1921, the master and matron proposed to resign their posts, and the guardians refused an application by them that the 75 per cent. increase in value should, for the purpose of calculating their superannuation allowances, be deemed to have been assigned to their emoluments as from October, 1916. The master thereupon wrote a letter, dated 18th October, 1921, to the Ministry of Health, in the following terms: "At the meeting of the Wycombe Board of Guardians held yesterday, the question of the superannuation of myself and wife as master and matron of their schools at Bledlow came before them. Our emoluments were fixed at a very low value, viz., £40 and £35. Last year I applied to have them increased, the same to date back to 1916. They agreed that the value was too low, and increased it by 75 per cent., but said they were advised that they could not go back from that date. I renewed my application yesterday on the grounds that the prices of the necessaries of life had increased in every direction since the war, and that the 75 per cent. increase should date back to 1916. The guardians refused to accede to my request. I therefore appeal to you, under s. 18 of the Poor Law Officers' Superannuation Act, 1896, that they be asked to make the increase restrospective for the five years preceding our resignation." The Minister of Health acceded to the request of the master and purported, in pursuance of s. 18 of the Act of 1896, to determine that the superannuation allowances should be computed on the basis claimed by the master in the letter above set out. The question in these proceedings was whether the Minister had exceeded his jurisdiction in making this decision. By s. 3 of the Act of 1896 it is provided: "The scale for superannuation allowances under this Act shall be as follows, that is to say: An officer or servant who has served for ten years but less than eleven years shall be entitled to an annual allowance equal to ten-sixtieths of the average amount of his salary or wages and emoluments during the five years ending on the quarter day which immediately precedes the day on which he ceases to hold his office or employment, with an addition of one-sixtieth of such average amount for every additional completed year of service until the completion of a period of forty years, when a maximum allowance of forty-sixtieths shall be granted." By s. 18 it is provided: "The Local Government Board" [its duties were transferred to the Ministry of Health by the Ministry of Health Act, 1919, 9 and 10, Geo. 5, c. 21] "may, if they think fit, determine any question which may arise between guardians or any other authority to whom this Act applies and any officer or servant, and which may be referred to them by either party, as to the right to or the amount of superannuation allowance of such officer or servant, and the decision of the Local Government Board shall be binding and conclusive."

Lord HEWART, C.J., in delivering judgment, stated the facts and referred to the material sections of the statute, and said that the calculation to be made was tolerably clear. It was first necessary to ascertain the average amount of salary or wages during the important five years, and then to apply to that amount the scale of superannuation allowance prescribed by the Act. The question which was raised was what, for purposes of computing the superannuation allowance, was the true value of the emoluments during the relevant period (*i.e.*, the five years). The contention of the master and matron appeared to have been that the 75 per cent. increase, which was found to be correct in April, 1920, should be applied to the whole preceding period, *i.e.*, from October, 1916, their resignation being about to take place in November, 1921. The guardians, however, appeared to have taken up the attitude that the master and matron had obtained an increase in April, 1920, but that they were not prepared to look back behind that date. It had been contended on behalf of the guardians that the letter of the 18th October, 1921, was not the "referring of a question" within the meaning of s. 18 of the Act; but it was admitted that if the letter had in terms asserted that a question had arisen as to the true value of the emoluments and had requested the Minister of Health to ascertain and determine what the true value was, that was an inquiry which the Minister was competent to undertake, and that was a controversy which would come within the meaning of the term "question," in s. 18 of the Act. But it had been said that that question had not been really submitted to the Minister of Health. His lordship was, however, satisfied that the substance of the letter quite clearly stated that a question had, during the material period, arisen as to the true value of the emoluments in question, and the Minister was therein requested (s. 18 of the Act being specifically indicated) to determine the question which had thus arisen between the parties. The question asked by the letter was therefore, in his view, the question which it would have been proper for the master to ask, and for the Ministry of Health to determine. There appeared to be no ground for interfering with the decision which had been given under s. 18 of the Act and the rules should be discharged.

AVORY, J., delivered judgment to the same effect and SANKEY, J. agreed. Rules discharged.—COUNSEL: *Sir Ernest Pollock*, K.C. (Att.-Gen.) and *Bowstead*; *Macmorran*, K.C. and *Carthew*; *Disturnal*, K.C. and *H. Davey*. SOLICITORS: *Ward, Perks & Co.*, for *Reynolds & Son*, High Wycombe; *R. A. Broadley*; *Solicitor to the Ministry of Health*.

[Reported by J. L. DENISON, Barrister-at-Law.]

BRUNNING *v.* KOLLROSS. Div. Court. 13th December, 1922.

ALIEN—BUSINESS CARRIED ON UNDER DIFFERENT NAME—OLD ESTABLISHED BUSINESS NAME — RIGHT OF USER — ALIENS RESTRICTION (AMENDMENT) ACT, 1919, 9 & 10 Geo. 5, c. 92, s. 7 (1) (2).

An alien, who carries on a business (which he acquired in 1921) under the trade name by which the business was known before the outbreak of war in 1914, is not infringing the provisions of s. 7 of the Aliens Restriction (Amendment) Act, 1919, by continuing to carry on the business under that name.

Case stated by Bromley justices. The respondent, Karel Kollross, was, on 4th July, 1922, carrying on a laundry business at Bromley under the name of the Widmore Laundry. This business had been carried on under that name before 4th August, 1914, and until 1921 continued to be carried on under that name. In August, 1921, the respondent bought the business and continued to carry it on under the same name. The respondent was on the 4th August, 1914, known as Karel Kollross, and, apart from the business, he continued to be known as Karel Kollross, and he was registered under that name as the proprietor of the Widmore Laundry. On 4th July, 1922, an information was preferred against him for using a name for the carrying on of his business other than the name by which he was known on 4th August, 1914, contrary to s. 7 (1) of the Aliens Restriction (Amendment) Act, 1922. The justices took the view that the use of the old established name was not an infringement of the provisions of the statute. They dismissed the information, but stated a case. By s. 7 of the Act it is provided: "(1) An alien shall not for any purpose assume or use, or purport to assume or use, or continue after the commencement of this Act the assumption or use of any name other than that by which he was ordinarily known on the fourth day of August, nineteen hundred and fourteen. (2) Where any alien carries on or purports or continues to carry on, or is a member of a partnership or firm which carries on, or which purports or continues to carry on any trade or business in any name other than that under which the trade or business was carried on on the fourth of August, nineteen hundred and fourteen, he shall for the purpose of this section, be deemed to be using or purporting or continuing to use a name other than that by which he was ordinarily known on the said date."

Lord HEWART, C.J., in delivering judgment, said that in the present case the respondent had acquired a business known before the war as the Widmore Laundry. The sub-sections seemed to be open to a clear and simple meaning. The universal proposition in s-s. (1) applied to the use of a name for any purpose, while s-s. (2) appeared to refer only to businesses carried on before the war under particular trade names. It was not the duty of an alien, purchasing one of these businesses, to change its well-known name. No offence had been committed and in his Lordship's view the justices were right and the appeal should be dismissed.

DARLING and SALTER, JJ., concurred, and the appeal was dismissed.—COUNSEL: *Montgomery*, K.C., and *C. W. Lilley*; *B. H. Waddy*. SOLICITORS: *Wontner & Sons*; *Bartlett & Gregory*.

[Reported by J. L. DENISON, Barrister-at-Law.]

Court of Criminal Appeal.

REX *v.* BENTLEY. 27th November, 1922.

CRIMINAL LAW—ACTS OF GROSS INDECENCY—INCITEMENT TO PROCURE—MALE PERSONS NOT THEN IDENTIFIED—UNKNOWN MALES—"PROCURE," "INCITE TO"—CRIMINAL LAW AMENDMENT ACT, 1885, 48 & 49 Vict. c. 69, s. 11.

By s. 11 *of the Criminal Law Amendment Act*, 1885, *any male person who commits, or is a party to the commission of, or procures or attempts to procure the commission by any male person of, any act of gross indecency with another male person, is guilty of a misdemeanour.*

Held, that a conviction on a charge of incitement of a definite person to procure male persons for an immoral purpose was good, notwithstanding that the male persons to be procured were not identified by the appellant nor the person incited at the time when the appellant asked him to procure the male persons. Moreover, the fact that the person incited, if he had acted on the incitement by the appellant to procure, would himself have been guilty of inciting or of procuring the commission of the offence, was immaterial, and the conviction of the appellant was none the less justified.

Appeal against conviction.

The appellant, John Alfred Bentley, was tried at Chester Assizes on an indictment charging him with inciting one, Williams, to procure the commission of acts of gross indecency. Evidence was given at the trial that on 12th November, 1922, the appellant telephoned to Williams and said: "Can I have two boys at 10s. each? I want them at 8 o'clock or soon after." No names of any particular boys were mentioned over the telephone. At 8 p.m. the appellant went to Williams's house. The police had been warned, and the appellant was arrested. He then admitted that he wanted the boys for an immoral purpose. The appellant was convicted and sentenced to twelve months' imprisonment.

Lord HEWART, C.J.: It has been argued that, for the appellant to be convicted on this indictment, which was framed under s. 11 of the Criminal Law Amendment Act, 1885, the male persons concerned should be identifiable or definite. Reliance has been placed on *Horton* v. *Mead*, 1913, 1 K.B., 154, but nothing in the judgments in that case really supports the proposition contended for. There a man had been convicted under the Vagrancy Act, 1898, which, by s. 1, s-s. 1, provides that: "Every male person who . . . (*b*) in any public place persistently solicits or importunes for immoral purposes shall be deemed a rogue and vagabond." It was argued that, for the conviction to be good, the solicitation must have reached the person intended to be solicited so as to attract his notice. That argument was rejected. In this case the charge begins with an alleged incitement to a definite person, Williams, and it is immaterial that Williams was incited to procure the commission of the offence by a person not then identified. It has also been argued that the incitement to Williams to procure this offence was an incitement to him to incite someone else to commit it. The whole force of the argument is based on the contention that the word "procure" in s. 11 may be paraphrased by "invite to." Whether or not that paraphrase is correct may be a matter for argument, but, even if it be assumed to be correct, it is difficult to see where any repugnance arises. The section says that "any male person who, in public or private, commits, or is a party to the commission of, or procures or attempts to procure the commission by any male person of, any act of gross indecency with another male person, shall be guilty of a misdemeanour." In this case it was alleged that the appellant offered money to Williams to procure boys to commit indecency with him. In other words, if the jury accepted that evidence, he incited Williams to procure boys for that purpose. It is not denied that if Williams had acted on that incitement he would have been guilty of the offence of procuring. The mere fact that, in the course of carrying out that procuring, he might himself have incited some boy as distinguished from offering a reward or doing other things of a like nature, seems to the court to be quite immaterial. The judge at the trial said that the legal question had been fully laid before him and that he had no doubt that the appellant could be convicted if the jury thought fit. In our opinion, the learned judge was quite right, and there was ample evidence to support the conclusion of the jury, and the appeal must be dismissed. Appeal dismissed.—COUNSEL: *Goodman Roberts; Ralph Sutton* and *H. M. Paul.* SOLICITORS: *Lees & Son*, Birkenhead; *The Director of Public Prosecutions.*

[Reported by T. W. MORGAN, Barrister-at-Law.]

New Orders.

Privy Council.

PRIVY COUNCIL OFFICE, 26*th January*, 1923.

ALIENS RESTRICTION ACTS, 1914 AND 1919.

Notice is hereby given, that after the expiration of forty days from the date hereof, it is proposed to submit to His Majesty in Council, under the provisions of the above-mentioned Acts, the draft of an Order in Council amending the Aliens Order, 1920.

And notice is hereby further given, that, in accordance with the provisions of the Rules Publication Act, 1893, copies of the proposed draft Order in Council can be obtained by any public body within forty days from the date of this notice, at the Privy Council Office, Whitehall.

Ministry of Health.

TOWN PLANNING.

The following circular letter on the Town Planning (General Interim Development) Order, 1922, has been issued to Town Clerks and Clerks to Urban and Rural District Councils:—

The Minister thinks it desirable in view of some cases which have recently come before him, to issue some further guidance to Local Authorities in connection with the administration of this Order.

If there is not an approved Town Planning Scheme in force, Local Authorities have no power to prevent development which complies with the byelaws or other statutory provisions in force; but, if a resolution to prepare a Town Planning Scheme has been passed, any person who develops without special consent is prejudiced if the particular development should contravene the Scheme ultimately approved. By the Interim Development Order, Local Authorities are enabled to give consent to development in anticipation of a Scheme: and a person who has received such consent is placed exactly in the same position, as regards compensation, as if the development had been undertaken before the resolution was passed.

The Minister considers that the presumption should always be in favour of the person who wishes to undertake development.

Town Planning is new, and it would not be right to attempt so close a control at the early stages as may later be warranted. Further, it would not be reasonable to expect as strict authority to be exercised over development before as after a Scheme has been approved, when the views of the various interests affected will have been heard and fully considered. It is also particularly desirable that no obstacles should be placed in the way of proposed development unless it is clearly detrimental to important local needs or interests.

The Minister considers, therefore, that consent under the Interim Development Order should be refused only if the development contravenes a definite proposal which the Local Authority intend to include in their Town Planning Scheme, and this proposal is clearly of first importance; and he proposes to follow this course in deciding appeals which may be made to him under the Order.

It is highly desirable that cases should be settled locally, and that appeals should be very few indeed; and the Minister is satisfied that, with a reasonable spirit of compromise on the part of the Local Authorities and of those who wish to develop, there should not be any serious difficulty in achieving this result.

Any agreements between Local Authorities and developing owners in connection with the Order should always be put into writing.

Societies.

The Law Society.

SPECIAL GENERAL MEETING.

A Special General Meeting of the Law Society was held at the Society's Hall, Chancery Lane, on Friday, the 26th ultimo, Mr. Arthur Copson Peake (President, Leeds) taking the chair. Among those present were Mr. Robert William Dibdin (Vice-President), Mr. Charles Edward Barry (Bristol), Mr. Harry Rowsell Blaker (Henley-on-Thames), Mr. John James Dumville Botterell, The Rt. Hon. Sir William James Bull, Bart., M.P., Mr. Lewin Bampfield Carslake, Mr. George Herbert Charlesworth (Manchester), Mr. Alfred Henry Coley (Birmingham), Mr. Cecil Allen Coward, Mr. Weeden Dawes, Mr. Walter Henry Foster, Mr. Herbert Gibson, Sir John Roger Burrow Gregory, Mr. Leonard William North Hickley, Mr. Randle Fynes Wilson Holme, B.A., Mr. Arthur Murray Ingledew (Cardiff), Sir Charles Elton Longmore, K.C.B., V.D. (Hertford), The Hon. Robert Henry Lyttelton, M.A., Mr. Charles Mackintosh, LL.D., Mr. Philip Hubert Martineau, B.A., Mr. Charles Gibbons May, Lieut.-Col. Samuel Tomkins Maynard, T. D. (Brighton), Sir Charles Henry Morton (Liverpool), Mr. Robert Chancellor Nesbitt, M.P., Mr. William Henry Norton (Manchester), Mr. Richard Alfred Pinsent (Birmingham), Mr. Reginald Ward Edward Lane Poole, B.A., Mr. Harry Goring Pritchard, Mr. George William Rowe, Mr. Herbert Harger Scott, LL.B. (Gloucester), Mr. Charles Scriven, LL.B. O.B.E. (Leeds), Mr. Francis Edward James Smith, M.A., Sir Richard Stephens Taylor, Sir Walter Trower, Mr. Robert Mills Welsford, M.A., LL.B., and Mr. Benjamin Arthur Wightman, M.A., LL.M. (Sheffield), (members of the council), and Mr. E. R. Cook (Secretary). There was a large attendance of members of the Society.

WOMEN SOLICITORS AS MEMBERS.

Mr. PERCY H. CHAMBERS (London) asked, in accordance with notice, "Whether the Council intend to admit women solicitors as members of the Society on their being duly proposed and on payment of the usual fees, and if so, whether they propose to provide them with suitable separate cloak-room and lavatory accommodation notwithstanding they have hitherto refused to grant such accommodation to the women when students?"

The PRESIDENT replied, "The council intend to admit women solicitors as members of the Society and they intend to provide them with suitable cloak-room and lavatory accommodation." He thought it would be as well to say that a lady solicitor had been admitted a member of the Society that day, and that the Society intended to admit lady solicitors to membership. With regard to lady students, this matter had been receiving the

consideration of a committee of the council for several weeks. Plans had been now passed which would entail a considerable amount of expense. These plans also related to altering the hat and cloak-room accommodation.

ACCOMMODATION FOR WOMEN STUDENTS.

Mr. CHAMBERS said he was very pleased to see his first question answered so satisfactorily. He would move, in accordance with the notice he had given, "That having regard to the fact that women have been admitted to the Society's lectures and classes and to the students' rooms since September, 1919, it is imperative that they should be provided with suitable separate cloak-room and lavatory accommodation without further delay, and that the council be requested accordingly to take immediate steps for its suitable provision." With regard to the second part of the motion, he felt that perhaps it might be thought he was somewhat remiss in not having given sufficient time for the council to consider the matter. In justification to himself, he must state that the matter had been before the council not only for the last three weeks, but for the last three or four years; because the students' committee had during the past three years made recommendations that the question should be attended to. He had been sorry to put down the motion, and only did so because the matter had not been attended to, but, having regard to what the President had said, that plans had been passed and that it was now merely a question of carrying them into effect, he wished to withdraw the motion. He would be glad, however, if the President would give the meeting some intimation as to the time when it was likely the plans would be carried out.

Mr. C. F. LEIGHTON (London) wished to ask a question with regard to the cloak room accommodation. There was a rumour that the present cloak-room was to be diverted to the use of the ladies and that the room on the right was to become a conference room.

The PRESIDENT said that, as far as they had got, the present cloak room would be turned into the consulting room, and the present consulting room, which was larger than the present cloak room, would be turned into the cloak room. By that means the Council hoped to get rid of the congestion which took place and the queue which was to be seen at luncheon time.

Mr. LEIGHTON asked whether the smoking-room would be still continued as a smoking-room? There would be no room for that. The members really wanted more accommodation, and he hoped the Council would see their way to provide accommodation for the thirty or forty members who used that room.

The PRESIDENT said the Council would take what had been said into consideration and they would do the best they could and as soon as was possible; but he did not wish to name a particular date when the work would be finished, in case it would not be possible to complete it by that time. But the members might rely upon it that the work would be proceeded with as quickly as possible.

POOR PERSONS PROCEDURE.

Mr. H. ANDERSON (London) had given notice to move:—"That this meeting whilst regretting the accumulated arrears of unallocated Poor Persons' Divorces, referred to in the circular letter of the President, dated 6th November, 1922, is of opinion that the existing Regulations relating to Poor Persons' Procedure are directly responsible for the congestion, and requests the Council to take the necessary steps to amend the Regulations by providing for payment to Solicitors of moderate out-of-pocket expenses and for such other amendments as the circumstances require." He asked the President whether he was satisfied with the response to the appeal which he had made to the members of the profession?

The PRESIDENT suggested that Mr. Anderson should proceed with the motion before he answered his question, or, if Mr. Anderson wished it, he would reply.

Mr. ANDERSON said he had asked the question with the view of saving the time of the meeting. If the answer was that the response to the appeal was perfectly satisfactory he would ask to be allowed to withdraw the resolution.

The PRESIDENT replied that he might say the Council were not altogether satisfied with the response which had been received from the profession. Matters would be carried on for a certain time. They could carry on for perhaps another six months, but he should prefer to make his statement after the resolution had been moved. The response was not altogether satisfactory.

Mr. ANDERSON said that had the response been satisfactory he should have hesitated to move the resolution; but in view of what the President had said, he would bring it before the meeting. He did not think it necessary in such an assembly to go into the origin and history of the matter. They were all perfectly acquainted with the origin of the Poor Persons Procedure regulations. The only question for the meeting to decide was whether they were or were not satisfied with these regulations. Those who were satisfied might be satisfied owing to the fact that they had never attempted to make use of them, and it was very easy to adopt a complaisant attitude under those circumstances. There were no means, of course, of knowing how many of those present were in the possession of information gained by having attempted to make use of these Poor Persons Regulations, but those who had not done so had no right to object to the resolution or to vote against it. Only those who had had practical experience of working under the regulations were in a position to judge as to the merits of the resolution. Those solicitors who had undertaken the conduct of cases under the regulations were in the position of the Israelites in the time of Moses, who were required to make bricks without straw. If then that was the position, it was a position which he had never dreamed of occupying when he became a member of the profession. The solicitor was expected to make the bricks without the straw at the will of the task-master, or the taxing-master, or the Rule Committee, or the Poor Persons Procedure officers. The solicitors were the poor persons really, and they were still more likely to be the poor persons. They were not only asked to work for nothing, but they were to be mulcted in costs out of pocket which ought to be paid to them. He held in his hand letters from all parts of the country expressing sympathy with his motion. Some of the writers preferred that he should not mention their names, but Mr. Armitage, a member of a leading firm of solicitors at Huddersfield, desired him to read a letter he had received from him expressing approval of the resolution and regretting that he could not be present to support it. The letter stated that he had had some practical experience of the existing conditions and should consider it a personal favour if he would bring the subject forward. Mr. Armitage also referred to the letter he had written in the name of his firm to the *Law Times* of the 6th January which set out the facts of a case they had in their office and the hardships of the present system. He said they would be glad if he could refer to it, as they were anxious that their professional brethren should know how they had been penalised for their efforts to assist poor persons. He (Mr. Anderson) had others in the same strain. The generous members of the profession were anxious and willing to assist poor persons, but the regulations had become absolutely intolerable. It was not only that solicitors acting for poor persons were required to pay out-of-pocket costs, but they had to submit to irksome requirements under the present system and were committing contempt of court unless they complied with the terms of the notice that was so kindly sent to them whenever they accepted a gratuitous case from the prescribed officers.

Mr. HENRY YOUNG (London) seconded the motion.

Mr. P. H. EDWARDS (London) moved an amendment as follows: "That this meeting regrets the accumulated arrears of poor persons cases, and is of opinion that the present arrangements for dealing with such cases should be inquired into and amended." He said that he agreed with the very logical speech of Mr. Anderson, and he ventured to submit that anyone acquainted with the condition of affairs must come to the same conclusions, but he thought the resolution went too far. The position of doctors and solicitors with regard to poor persons was not the same. The case of the solicitors could not be put as an analogy with regard to doctors and panel patients. If a solicitor with a less good class of practice took charge of these cases he ought to be properly remunerated, otherwise it would be only the large firms that could afford to take them up. What the members wanted to do was, not to dictate to the council as to what course they ought to take, but to request that they should give very earnest consideration to the matter. It was a good thing for the medical profession that they got their hall-mark for the good work they did to the poor in the hospitals, who enjoyed the benefit of treatment which was not within the reach of the rich man. Surely a rich and honourable profession like that of the solicitor could start a similar institution for poor people. He would go much further in the opposite direction. He said that there should not only be no costs payable by the poor person, but there should be no out-of-pocket expenses, and no payment of the costs of the proceedings of the other side at all. Poor persons could not afford to pay the costs of the other side. In his opinion, it was absolutely inequitable that poor persons should receive costs when such poor persons were not in a position to pay them. It would not be right to take costs from the other side when one was not in a position to pay them if the decision of the court went against one. If solicitors took poor persons cases they should do so for the honour of the profession. They would be assisting the poor, and when they came before the court the cases would be heard with a consideration not always given to poor persons cases. He was speaking of litigation only. Poor persons were sometimes unduly harassed by landlords. They did not know what were their rights under the Rents Restriction Acts. He was afraid from the laughter that had greeted his remark that some of those present had had the good fortune to some extent, it was not always good fortune, of acting for landlords. The poor man needed protection, and, in his opinion, an institution for his protection should be established. He might point out that benefit to the profession was likely to ensue therefrom. Many of the most brilliant students who passed in honours, when they came to interview clients, found themselves at a loss. Like the medical student who passed through the hospitals, the articled clerk would get incalculable benefit by passing through such an institution as he suggested. He hoped that a time would come when the articled clerk would have to spend six months in such an institution. It would be of the greatest benefit and he would gain a knowledge of the law and how to treat the human element in the client. He was also of opinion that the very good debating society which was attached to the Law Society, the Law Students' Debating Society, might easily find a home in such an institution and, possibly, the excellent law lectures of the Society and the law training it provided might be given there. If such an institution were started, in however humble a manner, in London, where students would be at liberty to spend a certain time, he was convinced that in a few years there would be an institution of a similar character in every great centre, such as Manchester, Liverpool, and so on.

Mr. E. A. BELL (London) seconded the amendment. He said that he had intended to move a similar amendment. The direction contained in any resolution should be to consider, and, if thought expedient, to report, upon the Poor Persons' Procedure Regulations. He hoped that this would commend itself to the meeting. As he understood it, the Poor Persons Procedure was regulated by the report of Mr. Justice P. O. Lawrence, which was published in 1919. From that report it appeared that the key to the solution of the

difficulty was found in the memorandum added to it by two very respected members of the profession, Mr. A. H. Coley (of Birmingham), and Mr. Charles Goddard (of London), and they emphasised the fact that the Poor Persons' Procedure should be adopted, so that all proceedings—and it especially mentioned divorce—should be through the county court. When one got to the county court, one found that there was often a local bar and local solicitors who had opportunities of giving their services "for sweet charity's sake," and if it was necessary to employ a London agent, he was sure the London agents would fall in with the charitable scheme. He agreed altogether with the mover of the amendment when he suggested that there should be means by which students should be afforded the advantages which were given to medical students by the hospitals, so that they should have the opportunity of really understanding the actual preliminaries of practice. *Fiat experimentum in statu pupillari.* The students would there get to learn the myriad-minded eccentricities of the clients, and it would form an admirable field of practice for students of both sexes. Was not young Portia a Poor Man's Lawyer? He trusted the meeting would pass a resolution which would carry out the ideas propounded by the mover of the amendment.

Mr. H. A. H. NEWINGTON (London) said he had had something to do with these cases, and he and his partner agreed that solicitors ought to assist with them. In some cases his firm had had a great deal of trouble. Solicitors had constantly to find the expenses themselves. He was not complaining; because he thought the solicitors ought to help those who could not help themselves. He thought that the expenses in connection with Poor Persons' cases might be met if the applicant was allowed to pay them at the rate of 5s. or 10s. a week when in work and earning good money. That would get over a great deal of the difficulty which existed. The solicitor profession was rather in a different position from that of the medical. The solicitor had far heavier expenses to meet every day. There were not many men in the profession who would turn their backs on persons who really required help. The real point was that cases required very careful watching.

Mr. H. P. PLANT (London) said he should like to endeavour to remove a misapprehension which existed about these cases. He and his partner had had to deal with a certain number, and they had never been out of pocket. The rules provided to an extent for payment of out-of-pocket expenses. The poor person had to pay £5 before the proceedings were commenced, and the solicitor was entitled to out-of-pocket expenses out of that sum.

A MEMBER asked if anything was allowed for office expenses?

Mr. PLANT said the question of office expenses was another matter. The solicitor was not entitled to any remuneration for them. He was not entitled to any remuneration on that account—that was what he had to give by way of charity. But his firm had never had to pay one penny by way of out-of-pocket expenses.

Mr. M. BARRY O'BRIEN (London) supported the amendment. He said that the resolution was cumbersome and unnecessarily lengthy in terms. He agreed that the solicitor did get out-of-pocket expenses. But he thought it a pity that, when he had concluded a case and sent in to the Poor Persons Department a correct account of those expenses, he should be asked to furnish a list *in extenso* of them. He considered that a little more should be allowed for out-of-pocket expenses. One did not expect stationery and rent to be taken into consideration. He gathered from the circular that many firms in London were not willing to undertake these cases. That was tragic; but if solicitors were willing to undertake them, and indeed glad to do so, the department ought to be willing to accept without question the figures given by them as regarded out-of-pocket expenses, without putting them to the additional trouble of getting together the twopenny and threepenny 'bus fares and so on, and furnishing an account of the details. Extra trouble of this kind ought not to be put on solicitors undertaking these cases. But, as there seemed to be a certain amount of discontent, the matter ought to be considered and reported upon by the council. He believed that the profession as a whole were willing to take up the work, and so relieve the burden of the poor. The profession owed a duty to the poor, particularly as so many of these cases came from ex-Service men.

Mr. G. B. CROOK (Purley) asked by whom the enquiry was to be undertaken? (Voices: The council.) The amendment did not say so. If the amendment was that the matter should be referred to the council for further investigation he could understand it. At present it was extremely vague.

Mr. EDWARDS said the terms of his amendment were that the enquiry hould be by the only people competent to make such enquiry, the council.

Mr. W. MARSHALL (London) said he felt sure that no member of the council would desire to restrict the working of the Poor Persons Procedure, but would prefer to see that poor persons should get the justice they so much needed. It was very desirable that poor persons should be assisted to the utmost extent by the profession.

Mr. F. A. BARBAUD (London) said the resolution was confined to divorce cases, but there were certain cases which did not come within the category—common law cases, and he had had to do with one chancery case. In those particular cases no provision was made for the payment of expenses out of pocket. The solicitor had to get them from the poor person, if he could. One of these cases which he conducted went on for months and he was £3 or £4 out of pocket, which amount he would never get. Why should divorce cases be the only ones where out-of-pocket expenses were allowed? He suggested that the council should enquire particularly into the matter.

Mr. W. C. GREENOP (London) spoke to the same effect. He was engaged on a common law case at present which would apparently last a considerable time, and he was already several pounds out of pocket. If he could not get them out of the poor person, these expenses would all fall on him in the end.

Mr. W. S. JONES (London) thought that it would be an advantage if any committee appointed to consider the matter should also consider the subject of poor man's lawyers, who gave advice to people without reference to litigation, all over the country. A good number of the members of the profession spent a large amount of time in this work, and if any case was likely to require litigation, the applicant was referred to a solicitor, when it was taken up as a matter of charity, or else to the Poor Persons Department. It seemed to him that some scheme might be evolved by which the poor man's lawyers might be included in one department with the Poor Persons Department in such a way that members of the profession should find it possible to undertake these cases, and he believed they would be only too glad to help. There might be a department which could, if necessary, maintain a permanent staff to supervise the work, the actual work of the office and so forth being done by articled clerks who would be only too glad to devote themselves to it, without any compulsion whatever. He had spent two years as a poor man's lawyer, giving such advice as he was competent to give, and he had derived great personal benefit in learning his profession thereby. He felt sure that a certain amount of good was done and that it was really of the greatest possible assistance in learning the practice of the profession. One learnt much more in a very short time than was possible by practice as a student in the ordinary way, or by study. He thought there should be some scheme by which the work of the poor man's lawyer and the work of the Poor Persons Department should be done in some central organisation.

The PRESIDENT said it would perhaps be thought that he had given some latitude to the speakers, but he had done so on purpose. The council had had very considerable correspondence and many suggestions as a result of the circular which he had sent round. They had received these suggestions from all over England, and it was for that reason that the council wished to hear what was to be said by those present at the meeting. The council had been considering the matter for some time, and the question was how best to deal with the congestion which had arisen with regard to Poor Persons cases. They wished to thank those solicitors who had so splendidly come forward in the past two years and done what they had under the Poor Persons Regulations. They had thought that when the disorganisation caused by the war had subsided the number of cases would materially decrease, but that had not happened, or the matter would not have been in the position in which it was to-day. He hoped the members would leave the matter to the council, who had already got a report with regard to it nearly completed, which embodied the suggestions they had received. He hoped that the council would be left with a free hand, and the meeting

might take it that they would do their very best to solve this important and very complicated question. If the amendment said that the matter was left to the council, the council would be very glad to accept it.

Mr. E. EDWARDS said he would be very pleased that that course should be taken.

Mr. BELL agreed. He asked what would be done with the council's report?

The PRESIDENT said that, of course, the council would have to send it to the Lord Chancellor, who was the proper officer to consider it. They would do that as soon as possible.

Mr. DAPHNE (London) said he thought the great difficulty in connection with these cases was that the solicitor never knew how long they were likely to take. After all, no prudent practitioner would take a case in the ordinary way without having some notion as to the length of time it would occupy. He hoped the council would consider the matter as to how the cases should be allotted; so that they should be within the capacity of the particular office to which they went.

The PRESIDENT said it might be relied on that the council would take into consideration what had been said at the meeting. Mr. Cook, the Secretary, had made a note of the various suggestions, and he could assure the meeting that the council were anxious to do the best they could for the profession and for the poor persons who made use of the regulations.

Mr. G. B. CROOK (Purley) understood that the council would send their report to the Lord Chancellor?

Mr. BELL asked if the council would not report to the members of the Society?

The PRESIDENT said the council would report to the Lord Chancellor, and the report would be published in the Society's *Gazette*.

A MEMBER said that in that case everything would be done before the members knew anything about it. That would not do.

The PRESIDENT put the amendment, which was carried by a large majority. It was then put as a substantive resolution.

Mr. CROOK moved as an amendment that the report of the council should be made to the Society before being sent to the Lord Chancellor. He had forwarded a notice of motion for the present meeting to the council, but unfortunately he was too late. The motion was as follows: "That the council be requested to ask the Lord Chancellor or his secretary for a statement in writing shewing the number and names and official or non-official position of all persons engaged since the commencement of the work in and about Poor Persons' cases and paid by the Government out of the taxation of the public, the amount paid to each of such persons, the time occupied by each in such cases, the money value of such time (in proportion to total remuneration), and whether in respect thereof any and what reduction from remuneration has been or is proposed to be made, and why solicitors are asked to gratuitously do and provide the greater part of the work and expense caused by "poor persons" if Government officials and others are paid for their lesser share of such work, and also have offices and staffs and all expenses found for them." The judges sat upon the bench and occupied their time in hearing cases, and the court officials and others were being paid in Poor Persons' cases, whilst the solicitor was expected to do the work for nothing, and possibly at a loss to himself. The Government officials were paid for what they did, whilst the solicitor who did a far greater share of the work, got nothing. He would move that, in view of the difference between the position of officials on the one hand and the great body of the profession on the other, the members should have another opportunity of considering the whole matter before they put their hands further to this abominable task. (Hear, hear.) If the country wished the Poor Persons Procedure to continue, let it put its hand into its pocket and pay for it. The Parliamentary representatives of the country could, at their own risk, determine that this should be so; and they could so enact. But why should it be said that solicitors should do the work for nothing, and even that their out-of-pocket expenses should not be paid? (Hear, hear.) He had spent hundreds of pounds and months of work in assisting poor persons, without any pressure of rules or regulations, and he thought there were very few solicitors present who had not put their hands at some time or another into their pockets to help poor persons. (Hear, hear.) But if it was going to be determined that solicitors were to do all the work of all the persons who could not afford to pay, whenever they choose to pick a quarrel, they would be snowed under. (Hear, hear.) The position had been drifted into. The whole policy ought to be overhauled. The members ought to have a report from the council. The members of the profession should be sympathetic to poor persons, but they ought to go on the basic principle that all those who put their hands into their pockets and gave assistance to poor persons should be treated alike, and that the solicitor should not be treated as a sort of inferior clerk to the officials in the different offices. His amendment was that the report by the council should be made, not to the Lord Chancellor, not behind the backs or over the heads of the members of the Society, but that it should be brought to the members in the first instance, so that they should have the opportunity of making up their minds with regard to it and be able to consider thoroughly the whole matter. (Hear, hear.) It should not be thrown upon the Lord Chancellor to determine the matter when the profession had never had the opportunity of considering it. (Applause.)

Mr. A. W. FINDLAY (London) seconded the amendment.

The PRESIDENT said the position was that things were getting into such a state that there was danger of the Poor Persons Procedure falling to the ground altogether unless something was done. Therefore, if the report of the council were got out in, say, the next three weeks, the Easter Vacation would intervene and it would be over Easter before a meeting of the members could be called.

Mr. BELL asked whether it was necessary to call a General Meeting? Could not the report be published in the Press? Could not the council accept the amendment?

The PRESIDENT said that, if it was the wish of the members, he felt sure the council would accept the amendment. (Agreed.)

Mr. L. W. FYSON (London) said the matter must be referred to the Lord Chancellor by the Society, and the amendment merely indicated a conspicuous lack of confidence in the council. (Oh!)

Mr. CHAMBERS said the members of the Society had to work under the Poor Persons Regulations, and they ought to approve the report of the council before it was passed on to the Lord Chancellor.

The PRESIDENT said the council would accept the amendment in accordance with the feeling expressed by the members, with great pleasure. They would do whatever the meeting wished.

The amendment was adopted in the following form: "That this meeting regrets the accumulated arrears of unallocated Poor Persons' cases, and is of opinion that the council should consider whether the existing arrangements should be amended, and that their report should be made to the Society."

The Law Society.

The President (Mr. A. Copson Peake), the Vice-President (Mr. R. W. Dibdin), and the Council of the Law Society entertained a large company to dinner at the Society's Hall on the evening of Thursday, 25th January. The guests included the following:—The Lord Chancellor, the Archbishop of York, Viscount Mersey, Major-General Lord Loch, the Lord Chief Justice, the Master of the Rolls, Lord Justice Warrington, Lord Justice Younger, Mr. Justice Eve, Mr. Justice McCardie, the Attorney-General, the Solicitor-General, Sir Malcolm Macnaghten, K.C., M.P., Sir Claud Schuster, K.C., Sir Richard Glazebrook, Sir William Plender, Judge Sir Alfred Tobin, K.C., Sir Benjamin Cherry, the Rev. E. Copson Peake, Mr. E. B. Baggallay, Mr. J. F. W. Galbraith, K.C., M.P., Mr. Percy D. Botterell, Mr. Claude Barker, Professor W. W. Buckland, Professor F. de Zulueta, Mr. J. A. Compston, K.C., Mr. H. E. Clegg, Master J. H. P. Chitty, Master W. V. Ball, Mr. J. H. Inskip, Mr. W. J. Jeeves, K.C., Mr. R. A. Wright, K.C., Mr. R. Mitchell Banks, M.P., Mr. H. M. Giveen, Mr. T. K. Greenwood, Mr. F. Bedwell, Dr. Edward Jenks, Mr. R. S. C. Peake, Captain W. L. Samson, D.F.C., and Mr. Monier F. Monier-Williams.

The following members of the Council were also present:—

Mr. C. E. Barry, Mr. H. R. Blaker, Mr. J. J. D. Botterell, Sir Wm. Bull, M.P., Mr. L. B. Carslake, Mr. G. H. Charlesworth, Mr. A. H. Coley, Mr. W. Dawes, Mr. W. H. Foster, Mr. S. Garrett, Mr. H. Gibson, Sir Roger Gregory, Mr. R. F. W. Holme, Mr. A. M. Ingledew, Sir Charles Longmore, the Hon. R. H. Lyttelton, Mr. C. Mackintosh, Lt.-Col. S. T. Maynard, Sir Charles Merton, Mr. R. C. Nesbitt, M.P., Mr. W. H. Norton, Mr. R. A. Pinsent, Mr. R. W. E. L. Poole, Mr. C. L. Samson, Mr. H. H. Scott, Mr. C. Scriven, Mr. F. E. J. Smith, Sir Walter Trower, Mr. B. A. Wrightman, and Mr. E. R. Cook (secretary).

The Arden Scholarship of 1923 (£60 a year for three years) has been awarded to Mr. Frederick Henry Lawson, M.A., Queen's College, Oxford, late 2nd Lieut., R.G.A.

Arden Prizes (£50 a year for two years) have been awarded to Mr. Keith Alfred Burton, of Worcester College, Oxford, who served with the Australian Imperial Forces, and William Jayne Weston, late Captain, 15th King's (Liverpool) Regiment.

The prizes are open only to ex-Service students.

Grays' Inn.

GRAY'S INN MOOT SOCIETY.

A Moot, says *The Times*, was held in Gray's Inn Hall on Monday evening before Mr. T. J. C. Tomlin, K.C., and Benchers of the Inn, when the following question was argued:—

A was the owner in fee of an estate, part of which was capable of development for building. He sold a plot (plot x) on the estate to B, and in the conveyance B covenanted with A his heirs and assigns to the intent that the burden of the covenant might bind and run with plot x that no trade or business should at any time be carried on on plot x or any part thereof. There was nothing in the conveyance to indicate to what lands, if any, the benefit of the covenant was to be annexed.

The following events then happened: (1) B sold plot x to C who purchased with notice of B's covenant; (2) A died having devised the remainder of his estate to trustees D and E upon trust for sale and having appointed

F his sole executor; (3) F proved the will and assented to the devise to D and E; (4) D and E sold a large portion of the estate to G under the trust for sale retaining other portions. The conveyance to G contained no reference to the restrictive covenant contained in the conveyance from A to B; (5) C began to carry on the business of a motor garage on plot x; (6) G thereupon obtained from F an assignment of the benefit of the covenant entered into by B with A and began an action against C for an injunction to restrain him from carrying on any trade or business on plot x, and for damages. At the trial an injunction with costs was granted. The defendant appealed.

Mr. Tomlin, K.C., said that the point was how far on the one hand, did the benefit, and on the other hand, the burden, of the covenant run with the land of the covenantor and the covenantee respectively? The benefit of these covenants, if they were in the first instance clearly annexed to the land, ran with it both at law and in equity. The burden never did so except as between lessor and lessee. Was the covenant annexed to the land in this case?

It was clearly laid down in *Renals* v. *Cowlishaw*, 9 Ch.D. 125, and *Rogers* v. *Hosegood*, 1900, 2 Ch. 388, that the annexation must be an annexation in its inception. On the benefit of the covenant being assigned, the assignee or the covenantee could not sue, as he had no privity of contract. Here there was no privity, as there was no original annexation of the land. He could not accept the view expressed in *Ives and Brown*, 1919, 2 Ch. 314, and *Northbourne* v. *Johnston*, 1922, 2 Ch. 309, that an annexation which did not exist in the first place could be created at a later stage. The annexation must be in its inception, and no assignment afterwards could give a right to sue a person who was not a party to any contractual relationship with the covenantor. The appeal would therefore be allowed with costs.

United Law Society.

The Annual Dinner was held at the Café Monico on Monday, the 22nd January, 1923, the President of the Probate, Divorce and Admiralty Division in the chair. The loyal toasts were proposed by the President.

The toast of "His Majesty's Judges" was proposed by Mr. C. Willoughby Williams and replied to by the Hon. Mr. Justice Greer.

"The Legal Profession" was proposed by the Dean of St. Paul's and responded to by Mr. F. B. Merriman, K.C., and Mr. A. Copson Peake (President of the Law Society).

"The United Law Society" was proposed by the President and responded to by Mr. C. P. Blackwell.

"The Visitors" was proposed by Mr. R. C. Nesbitt and responded to by Professor W. S. Holdsworth.

"The Right Honourable Sir Henry Duke, President of the Probate, Divorce and Admiralty Division," was proposed by Mr. C. E. Smalley-Baker and responded to by the President.

A meeting was held in the Middle Temple Common Room on Monday, the 29th January, 1923, Mr. G. B. Burke in the chair. Mr. S. E. Pocock moved:—"That the case of *Spencer* v. *Hemmerde*, 1922, 2 A.C. 507, was wrongly decided." Mr. Graham Mould opposed. Messrs. C. P. Blackwell, Guy Lailey, S. E. Redfern and J. W. W. Weigall also spoke. The motion was put to the meeting and carried by one vote. The next meeting will be held on Monday, 12th February.

University of London: Faculty of Laws.

A Public Lecture will be delivered by Mr. William C. Bolland, M.A. (of Lincoln's Inn, Barrister-at-Law; Sandars Reader in Bibliography in the University of Cambridge), on "Chief Justice Sir William Bereford,' at King's College, London (Strand, W.C.2), at 5.30 p.m., on Friday, 9th February, 1923.

The chair will be taken by The Right Hon. Sir Henry Duke, P.C. (President of the Probate, Divorce and Admiralty Division of the High Court of Justice).

Syllabus: Some biographical details. Chief Justice of the Common Bench, 1309-1326. One of the four persons in the Kingdom who openly took the King's part in his protection of Piers Gaveston. Appreciation of him as a Judge, with some notice of his interpretation of certain statutes. General reminiscences.

Admission free, without ticket.

EDWIN DELLER,
Academic Registrar.

Coroners' Juries.

At an inquest at Southwark on 18th January, before Dr. Waldo, City Coroner, and a jury of nine, the coroner remarked that he supposed solicitors were in favour of juries sitting in cases like the present, where a man was killed in the course of his employment.

Mr. Clements, a solicitor, said that he thought juries in some cases were necessary.

The Coroner said that he thought relatives preferred juries. Coroners' juries went back to the time of William the Conqueror. At present the law was that coroners could sit without juries, except in murder and manslaughter and a few other cases. It was war-time legislation, and was to be continued to the end of the year. "What is going to happen then," added the Coroner, "goodness only knows."

Mr. Clements agreed with Dr. Waldo that in cases of traffic fatalities—such as the death being inquired into—and other violent deaths, and in cases of suicide, it was in the public interest to sit with a jury. He also agreed that full investigations with a jury—directed by a coroner—in such cases, often led to the lessening of litigation and agreement between parties. In the present case, Mr. Clements said, compensation by the company he represented would be paid to the dependants without civil action being taken in any court.

Dr. Waldo said he always ordered post-mortem examinations in this class of case. Last year (1922) he ordered post-mortem examinations in all death inquest cases before him, save in five instances only. He found this was the only way of getting at the truth.

Agricultural Tribunal of Investigation.

The following resolutions were unanimously passed by the Council of the Land Union at their last meeting:—

(1) That as there is a doubt in the public mind as to the scope of the Enquiry to be made by the above Tribunal, the Council of the Land Union express the opinion that the Tribunal should not exclude from their survey the matters referred to in the Agricultural Report of the Land Union of February, 1922, so far as such matters have not yet been dealt with by the Government, including the advantage or otherwise of imposing a duty on imported barley and flour.

(2) That the Secretary of the Land Union shall enquire of the Tribunal whether they propose to take evidence, and if so, whether an opportunity to give evidence will be offered to the Land Union.

[The Report was noticed in 66 SOL. J., p. 276.]

Mr. Percy Wright Brundrit, of Ruthin, Denbigh, solicitor, of the firm of Messrs. Johnson & Brundrit, Magistrates' Clerk for Ruthin and Clerk to the Ruthin Hospital Charity and Ruthin Grammar School, and a past Master of the Royal Denbigh Lodge of Freemasons, left estate of gross value £18,580.

Companies.

London Joint City and Midland Bank Limited.

The Ordinary General Meeting of the London Joint City and Midland Bank Limited was held at the Cannon Street Hotel, London, E.C.4, on 24th January.

The Right Hon. R. McKenna (Chairman) said: One of the causes of our trade depression is the political and economic state of Europe; another, but more obscure cause, is the restrictive influence of financial deflation.

Vital Importance of Foreign Trade.

Our commerce is distinguished from that of any other country by its large proportion of foreign trade, which, it is safe to say, before the war absorbed one-third of the labour of our people, whether in production, transport or clerical work. Although the proportion may be somewhat less to-day, this trade is still of vital importance to us. It is indeed a commonplace that under our existing organisation we cannot keep our industries in full employment unless we sell a very considerable part of our production in foreign markets. In the modern world this is true to some extent of every country, but with us foreign trade has such exceptional importance that anything which restricts it must deeply affect our national prosperity. In the existing state of Europe we may feel little surprise at the great decline of our trade with the Central and Eastern European countries; but the remarkable falling off in our exports to other foreign countries and to British possessions does not admit of so obvious an explanation. It is indeed sometimes urged that until Europe is restored we should look to a development of our Imperial trade in order to make good our losses in the European markets. But it appears that though our Imperial trade has suffered less than our foreign trade, it has still been gravely impaired, and so far from reducing our loss has itself contributed to it.

Development of Domestic Trade.

The restoration of the European market is indeed of the greatest importance to us, but the condition of Europe is due to causes which in the main are beyond our present control. When however we turn to our home trade we find ourselves masters in our own house. Here we are more fortunate in the fact that the fundamental conditions are not unfavourable. The relations between capital and labour are on a far better footing than they were two or three years ago. Post-war illusions have been dispelled and there is a general disposition to face realities. The public have a wider recognition of the necessity for national economy, of the crushing effect of excessive taxation on industry, and of the need for greater production. In these circumstances it is not merely possible for us to get back to the pre-war level, but we may perhaps look for a further development of our domestic trade so as to make up for part of the foreign decline. It is in this sphere that our best hope lies, and it is here that we may find a wise direction of financial policy of the greatest avail.

Restrictive Influence of Deflation.

In speaking of financial policy let me say at once that I am not referring to that expressed in the annual Budget. The policy I am discussing now has nothing to do with the imposition or remission of taxes. It deals with such questions as the issue and rate of Treasury Bills, the funding and floating debt, the issue of Treasury Bonds and other kindred matters. In recent years this policy has been frankly one of gradual deflation. Deflation however as a financial policy has no more to recommend it than inflation, the truth being that what we need to ensure healthy and prosperous trade conditions is stability in the value of money. An examination of the figures of the London Clearing Banks shows us that the fall in deposits of £135 millions during the past year has been due to the great reduction in bills, and in particular in Treasury Bills. The operation was in truth a measure of deflation effected in pursuance of a declared policy and resulting in a total reduced purchasing power of £200 millions.

Effect on Trade and Employment.

Now what is the effect of a decline in purchasing power upon trade and employment? To answer this question we must bear in mind the relation between purchasing power and the price level of commodities. Price varies with three factors—amount of purchasing power, amount of purchasable commodities, and the rate at which the purchasing power is exercised, which we may call velocity of expenditure. If purchasing power declines, then until there is a change in the amount of purchasable commodities or in the velocity of expenditure, prices will fall. But when prices begin to fall, manufacturers and traders who have bought raw materials and stock at the higher level are faced with a loss and are compelled to restrict their operations. Fewer orders are given, trade declines and unemployment grows. Thus the immediate effect of a reduced purchasing power is diminished trade and increased unemployment. If at this stage we made no further effort to deflate, trade would soon recover. With a diminished production, purchasable commodities would be reduced in amount; at the lower prices the velocity of expenditure would tend to accelerate; and trade would become active again. But if, whenever there are signs of trade recovery, a fresh dose of deflation is administered, we may prolong the depression for an indefinite period. If last year's policy of deflation is continued we may find ourselves within measurable distance of being forced into the opposite and dangerous policy of inflation by the inability of the Chancellor of the Exchequer to meet his expenditure without having recourse to borrowing.

Contradictory Policies.

The first movement in trade comes from giving an order. Trade is set going by the expenditure of money, whether it be on goods for immediate consumption or on goods which are to be used in further production, such as plant and machinery. The argument in justification of the Trade Facilities Act, that by its assistance traders can do business which would otherwise have been beyond their present capacity, is a recognition of the need, when we are suffering gravely from unemployment, to do what we can to promote the giving of orders. But the issue of Treasury Bonds to pay off Treasury Bills held by banks reduces purchasing power and tends to restrict orders. Thus in the course of last year two diametrically opposed policies have been pursued at the same time. In one case, the paramount necessity to give a fillip to trade was recognised and Government credit was used for the purpose; in the other, the public were invited to invest their savings in a way which deprives trade of its natural stimulus. The primary ground on which a policy of gradual deflation is recommended is that it raises the exchange value of the pound sterling in relation to the dollar and hastens our return to the gold standard.

Deflation and the £ Sterling.

It is admitted that deflation in this country tends to improve the value of sterling. But does it in the actual circumstances of to-day do more than accelerate our approach to parity? Would our exchange not rise to par even if there were no deflationary efforts on our part and we were spared all the evils of trade depression and unemployment which attend such efforts? I think it would, unless financial policy were again reversed in America. I think that in existing conditions the depreciation of the dollar is bound to continue. Even if prices rise here, as they will under improving trade, they will not rise as fast as they must in America under the influence of an excessive gold supply, and if there be no deflation in either country, sterling will slowly appreciate until it finally reaches par. Let me remind you that just as inflation which causes prices to rise will always be ultimately checked by the refusal or incapacity of the consumer to pay, so deflation will be checked by the restriction of output which follows upon falling prices. If we look for a revival of trade, for more abundant revenue and for a reduction in taxation, we must leave prices to take their own course under the normal pressure of supply and demand. We must not interfere with the natural flow of trade by any restriction of existing purchasing power, but must seek a general increase of wealth through a more abundant output.

Law Students' Journal.

Calls to the Bar.

The following ladies and gentlemen were called to the Bar on 26th January:—

Lincoln's Inn.—F. R. Evershed, B.A., A. Walmsley (late a solicitor), P. G. Russo, R. B. H. Sibley, Mercy Ashworth, W. E. A. Macaulay, W. Pryde, J. A. Jones, F. M. Goadby (late a solicitor), W. S. Norwood of the Irish Bar, K.C.

Middle Temple.—C. H. Sanson, C. W. D. Aubin, C. A. Reuben, J. C. Crawford, Ll. D. Williams, G. B. T. Jones, J. A. A. Raffray, H. H. Beck, Josephine L. D. Fairfield, Audrey C. Harverson, W. T. Elverston, J. A. F. Noel, J. E. L. de Robillard, Charlotte M. Young, Ida M. C. Duncan, E. J. C. Neep, J. J. C. McFeely, J. J. Roberts, Ayodele Williams, J. C. Mosse, H. Samuels, A. R. Vaucresson, J. B. Weiss, E. C. Dear, J. S. Benjamin, N. I. Brewer, C. J. Colombos, G. H. Lloyd Jacob, John Grace.

Inner Temple.—R. G. Rees, H. A. Law, H. Heathcote-Williams, G. P. Glanfield, R. K. D. Renton, J. R. O. Jones, W. G. Fossick, H. S. Lo, E. R. Moorhouse, A. N. Tampi, S. C. Dhir, J. G. Morgan, N. A. Beechman, L. E. Buncher, R. C. Tredgold, G. H. Wilson-Fox, O. Shepherd, S. R. Benson, A. H. G. Butcher, F. G. Bristow, M. A. Badsha, G. P. Slade, C. E. P. Davies, J. Taylor, A. E. P. Rose, J. E. W. Lomas and W. E. Warder.

Gray's Inn.—S. S. L. Lambert, W. Carter, W. G. Heppel, Jesse Williams, F. Henry Lawson, Samuel Foster, G. E. Larman, C. H. Leach, S. S. Allen, Hugh Goitein, A. G. McGregor, O. K. Metcalfe, T. L. G. Nel, P. E. F. Cressall, J. P. Phillips, J. L. Stone, Alfred Short, M.P., C. H. G. Millis, N. F. Edmunds, Eric Emmett, F. Eaves, D.S.O., formerly a solicitor.

This list does not include the names of barristers who apparently will not practise in this country.

Mr. Justice Rowlatt, charging the Grand Jury at the Wiltshire Assize at Devizes on the 17th inst., says *The Times*, referred to possible proposals to concentrate assize business at twelve towns. He said it was expedient that people all over the country should see something of justice, and it was a most important tradition of English law that they should not only see it, but be associated with it. The grand and petty juries associated the public with the administration of justice in a way which largely contributed to the confidence of the nation in its justice. There was a school of thought in favour of taking that away and making it a mysterious thing like the Ministry of Health—something at a headquarters of justice presided over by a Minister of Justice, a thing which one had never heard of yet. That might be progressive, but he liked justice to be brought to as many parts of the country as possible.

Legal News.

Information Required.

In the Matter of Tennessee Celeste Dowager Lady Cook, deceased (Widow of Sir Francis Cook, first Baronet).—To solicitors and others.—Any solicitor who has made a Will or any person having any information as to the existence of a Will of the above Deceased subsequent in date to the 1st April, 1901, is requested to communicate with Messrs. Russell-Cooke and Co., 11, Old-square, Lincoln's Inn, London, W.C.2, Solicitors.

EGERTON—PRESCOTT—TOLLNER.—Will anyone holding a Marriage Settlement dated 20th March 1903, between Raleigh Gilbert Egerton (now Lieut.-Gen. Sir R. G. Egerton, K.C.B.) of the first part, Maud Helen Prescott (now Lady Egerton) of the second part, Dame Louise Franklin Prescott of the third part and Barrett Lennard Tollner of the fourth part, please communicate with Pettit & Westlake, Solicitors, 356-360 Oxford-street, London, W.1.

Honours.

The Hon. Sir FRANCIS H. DILLON BELL, K.C., A.-G. of New Zealand, to be G.C.M.G.

The Hon. ARTHUR ROBINSON, A.-G. and S.-G., Victoria, to be K.C.M.G.

And Knighthoods have been conferred upon—

Mr. HENRY S. THEOBALD, K.C., late Master in Lunacy.

Mr. SKINNER TURNER, Judge of the Supreme Court for China.

Mr. EDWARD R. HARRISON, Chief Inspector of Taxes.

Mr. JOHN HUNT, Town Clerk of Westminster.

Mr. Justice FRANCIS D. OLDFIELD, Judge of the High Court of Judicature, Madras.

Mr. THOMAS C. P. GIBBONS, K.C., Advocate-General for the Presidency of Bengal.

The Hon. MALCOLM WILLIAM SEARLE, Judge-President of the Cape of Good Hope Provincial Division of the Supreme Court of South Africa.

ALFRED KARNEY YOUNG, Esq., Chief Justice of the Leeward Islands, Chief Justice-designate of the Supreme Court of Fiji, and Judicial Commissioner for the Western Pacific.

Appointment.

Sir DUNCAN M. KERLY, K.C., has been elected a Master of the Bench of the Inner Temple.

Dissolutions.

ALLAN BUTLER and JOHN WILLIAM ACKROYD, Solicitors, Strand-buildings, Bradley-street, Castleford and 23, Bank-street, Bradford (Butler & Ackroyd), 30th December, 1922. [*Gazette*, 26th January.

HENRY MOORE WATTS, WILLIAM WILLS HENLEY, THOMAS MOORE and ROBERT BROWN MOORE, Solicitors, Yeovil, Somerset (Watts, Henley, Moore and Company), 31st December, 1922. so far as concerns William Wills Henley, who retires from the said firm. The said business will be carried on by Henry Moore Watts, Thomas Moore and Robert Brown Moore, in partnership, under the style or firm of Watts, Henley, Moore and Company. [*Gazette*, 26th January.

At Kingston County Police Court on 25th January, Sydney Alfred Garfath, of Horn-lane, Acton, was fined £5 and 15s. costs for driving a motor car to the danger of the public at Thames Ditton on 6th December. Evidence was given that the defendant drove at thirty-five miles an hour on the wrong side of the road and knocked down a pedestrian, who was so seriously injured that he had been disabled ever since.

Court Papers.

Supreme Court of Judicature.

ROTA OF REGISTRARS IN ATTENDANCE ON

Date.	Emergency Rota.	Appeal Court No. 1.	Mr. Justice Eve.	Mr. Justice Romer.
Monday .. Feb. 5	Mr. More	Mr. Hicks Beach	Mr. More	Mr. Jolly
Tuesday 6	Jolly	Bloxam	Jolly	More
Wednesday ... 7	Garrett	More	More	Jolly
Thursday 8	Synge	Jolly	Jolly	More
Friday..... 9	Hicks Beach	Garrett	More	Jolly
Saturday 10	Bloxam	Synge	Jolly	More

Date.	Mr. Justice Sargant.	Mr. Justice Russell.	Mr. Justice Astbury.	Mr. Justice P. O. Lawrence
Monday .. Feb. 5	Mr. Synge	Mr. Garrett	Mr. Bloxam	Mr. Hicks Beach
Tuesday 6	Garrett	Synge	Hicks Beach	Bloxam
Wednesday ... 7	Synge	Garrett	Bloxam	Hicks Beach
Thursday 8	Garrett	Synge	Hicks Beach	Bloxam
Friday..... 9	Synge	Garrett	Bloxam	Hicks Beach
Saturday 10	Garrett	Synge	Hicks Beach	Bloxam

Circuits of the Judges.

THE WINTER ASSIZES.

CROWN OFFICE, *24th January*, 1923.

Days and places fixed for holding the Winter Assizes, 1923 :—

SOUTH EASTERN CIRCUIT.

(Second Portion).

Mr. Justice Darling.

Monday, February 12th, at Hertford.
Friday, 16th February, at Maidstone.
Saturday, 24th February, at Guildford.
Friday, 2nd March, at Lewes.

NORTH EASTERN CIRCUIT.

Mr. Justice Roche.

His Honour Judge Radcliffe, K.C.,
Commissioner of Assize.

Tuesday, 13th February, at Newcastle.
Tuesday, 20th February, at Durham.
Tuesday, 27th February, at York.
Monday, 5th March, at Leeds.

Winding-up Notices.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

CREDITORS MUST SEND IN THEIR CLAIMS TO THE LIQUIDATOR AS NAMED ON OR BEFORE THE DATE MENTIONED.

London Gazette.—FRIDAY, January 26.

DOCK & GENERAL TRANSPORT CO. LTD. Feb. 9. Arthur C. Turtle, 60, Mark-lane, E.C.

J. D. BILLING & CO. LTD. Feb. 28. Bernardo T. Crew, 4, Dove-court, Old Jewry, E.C.

RICKARD, WRIGHT & DEAN LTD. Feb. 28. R. S. Dawson, 11, Cheapside, Bradford.

WILLIAM COACKLEY & CO. LTD. Feb. 20. Walter Povall. Westinghouse-rd., Trafford Park, Manchester.

THE ILKESTON BRICK CO. LTD. March 10. A. C. W. Rogers, Milton-chmbrs., Milton-st., Nottingham.

THE COUNTY CARRIERS LTD. March 10. Wilmot Welch, 7, Sweeting-st., Liverpool.

CHAUVEL LTD. Feb. 12. Walter E. Viney, 68, Coleman-st., E.C.

SANDERS, AUSTIN & CO. LTD. March 2. Arthur B. Watts. 9, Park-place, Cardiff.

London Gazette.—TUESDAY, January 30.

W. D. SAVORY & CO. Ltd. March 10. Harry D. Leather 10, East-parade, Leeds.

S. BAILLIE & CO. LTD. Feb. 21. Clifford Hodgson, 70, Central-buildings, 41, North John-street, Liverpool.

THOMAS MOOR & CO. LTD. March 21. Charles H. Wilson, 7, Greek-street, Leeds.

KEBONSO RUBBER ESTATES LTD. March 10. Samuel R. Hogg, of Sydney Jeffreys and Co., 10, Coleman-street.

LES PALAIS DE DANSE (U.K.) LTD. Feb. 14. T. Graham Threlford, 119-120, London Wall.

JOSEPH LAST LTD. Feb. 5. Charles Whitehurst, 5, Lothbury, E.C.

W. & A. TREMLETT LTD. March 15. N. G. Gibson, 1, Redcliffe-street, Bristol.

Resolutions for Winding-up Voluntarily.

London Gazette.—TUESDAY, January 23.

Fowler's Carbonizing Machine Ltd.	Thomas Moor & Co. Ltd.
Derby Garage Limited.	The Madagascar Minerals Syndicate Ltd.
A. E. Barlow & Shaw Ltd.	The Barracaid Co. Ltd.
Farm & Home Concrete Co. Ltd.	Parker & Lester Ltd.
Sea Bank Hotel & Hydro Ltd.	The Forester Paper Co. (1917) Ltd.
The Loos Steamship Co. Ltd.	The Swansea Patent Flour Co. Ltd.
Milner & Charton Ltd.	
Harris Electro Metals Co. Ltd.	John Turnbull & Co. Ltd.
Roof Gardens Syndicate Ltd.	The Valley Motor Co. Ltd.

London Gazette.—FRIDAY, January 26.

The Derry Mills Co. Ltd.	Cooke & Taylor Ltd.
Coorg Coffee Estates Co. Ltd.	Annisons Ltd.
Polli Betta Coffee Estates Co. Ltd.	The Anglo-East African Trading Co. Ltd.

Furniss, Kilner & Co. Ltd.
B. Schaverien & Co. Ltd.
Baltic Coal & Shipping Co. Ltd.
Accommodations Ltd.
Charles Groom, Sons & Co. Ltd.
Rochester Oil Co. Ltd.
Rhuaka Remedies Ltd.
Duroline Manufacturing Co. Ltd.
W. S. Polson & Co. Ltd.
Penrhiwceiber Automobile Co. Ltd.
The Netherton Engineering Co. Ltd.
William Cockley & Co. Ltd.

London Gazette.—TUESDAY, January 30.

Road Transport Clearing Houses Ltd.
Heavy Stampings Ltd.
W. D. Savory & Co. Ltd.
Reliance Clothing Stores (Grimsby) Ltd.
Dunbreels Ltd.
The Webb Engineering Co. Ltd.
The British Tulle & Net Co.
Lea Shipbuilding and Repairing Co. Ltd.
Premier Agency Ltd.
British Consolidated Coal and Shipping Co. Ltd.
The Holly Greave Colliery Co. Ltd.
The Abingdon Hygienic Laundry Ltd.
Beaumont's Building Materials Ltd.
The Walter Dandie Co. Ltd.
Concrete Homes Ltd.
Liverpool District Lighting Co. Ltd.
The Manchester Hygienic Syphon Co. Ltd.
Tofield and Robinson Ltd.
S. Baillie & Co. Ltd.
The Whiteacre Weaving Co. Ltd.
Mastera Films Ltd.
The Oil Gas Firing Co. Ltd.
Armfield & Co. (London) Ltd.

Bankruptcy Notices.

RECEIVING ORDERS.

London Gazette.—FRIDAY, January 26.

ABRAHAMS, MORRIS, and ABRAHAMS, GEORGE, and ABRAHAMS, DANIEL, Hackney, Waistcoat Makers. High Court. Pet. Jan. 23. Ord. Jan. 23.

BAXTER, GEORGE F., and GUINN, WILLIAM, Filey, Yorks. Haulage Contractors. Scarborough. Pet. Jan. 22. Ord. Jan. 22.

BAXTER, WALTER G., Bournemouth, Tobacconist. Poole. Pet. Jan. 22. Ord. Jan. 22.

BOULTON, JOHN W., Ammanford, Draper. Carmarthen. Pet. Jan. 23. Ord. Jan. 23.

BRADFIELD, THOMAS W. V., Kingston-upon-Hull, Toy Maker. Kingston-upon-Hull. Pet. Jan. 23. Ord. Jan. 23.

BOYD, GEORGE W., Highbury, Clothworker. High Court. Pet. Jan. 24. Ord. Jan. 24.

BROWN, WILLIAM R., Nottingham, Baker. Sheffield. Pet. Jan. 23. Ord. Jan. 23.

BROADBENT, THOMAS L., Weston-super-Mare, Coal Merchant. Bridgwater. Pet. Jan. 23. Ord. Jan. 23.

BROOKS, PERCEVAL, Croydon. Croydon. Pet. Nov. 10. Ord. Jan. 23.

BROWN, THOMAS D. C., West-st., E.C. High Court. Pet. May 24. Ord. Jan. 24.

BURGOYNE, CLAUDE, & Co., Seymour-pl., Motor Agents. High Court. Pet. Dec. 16. Ord. Jan. 23.

CHRAMOY, AARON, Middlesex-st., E.1, Lace Merchant. High Court. Pet. Jan. 24. Ord. Jan. 24.

CLARKE, GEORGE T., Paignton, Motor Engineer. Plymouth. Pet. Jan. 3. Ord. Jan. 22.

CLAYTON, CHARLES C., Kynnersley, near Wellington. Shrewsbury. Pet. Jan. 23. Ord. Jan. 23.

DAVIES, EDWARD, Salford, Motor Haulage Contractor. Salford. Pet. Jan. 23. Ord. Jan. 23.

DESMOND, MAURICE, COHEN, GEORGE, and KOSMINSKI, MAX, Aldersgate-st., Wholesale Manufacturing Furriers. High Court. Pet. Jan. 23. Ord. Jan. 23.

DICKENS, JAMES W., Palfrey, Walsall, Wholesale Confectioner. Walsall. Pet. Jan. 23. Ord. Jan. 23.

DRACKLEY, CHARLES, Sutton Cheney, Farmer. Leicester. Pet. Jan. 18. Ord. Jan. 18.

EDWARDS, ARTHUR L., Hoole, Chester, House Decorator. Chester. Pet. Jan. 22. Ord. Jan. 22.

EVANS, THOMAS F., Pontlottyn, Glam., Licensed Victualler. Merthyr Tydfil. Pet. Jan. 23. Ord. Jan. 23.

FAIRWEATHER, R., Southwick, Hants, Commercial Traveller. Portsmouth. Pet. Dec. 1. Ord. Jan. 19.

FARMER, ERNEST C., Worksop, Grocer. Sheffield. Pet. Jan. 22. Ord. Jan. 22.

FIDLER, FREDERICK, Totley, near Sheffield, Merchant. Sheffield. Pet. Jan. 24. Ord. Jan. 24.

FORD, JAMES C., Frodsham, Farmer. Warrington. Pet. Jan. 22. Ord. Jan. 22.

FOSS, EDWARD, Gresham-bldgs. High Court. Pet. Oct. 17. Ord. Jan. 23.

FOUNTAIN, HARRY, Birstal, Yorks., Blind and Cover Maker. Dewsbury. Pet. Jan. 24. Ord. Jan. 24.

FOX, FRANK E., Fleet-st. High Court. Pet. Dec. 13. Ord. Jan. 23.

GORDON, CHARLES H., Kingston-upon-Hull, Grocer. Kingston-upon-Hull. Pet. Jan. 22. Ord. Jan. 22.

GRIMMER, ROBERT, Burdett-rd., E.3, Potato Merchant. High Court. Pet. Jan. 23. Ord. Jan. 23.

HAMSTEAD, BENJAMIN W., Shepherd's Bush, Grocer. High Court. Pet. Jan. 1. Ord. Jan. 24.

HARRISON, MATTHEW A., Market Weighton, Farmer. York. Pet. Jan. 23. Ord. Jan. 23.

HOWES, JAMES B., Sonning Common, Oxford, General Draper. Reading. Pet. Jan. 23. Ord. Jan. 23.

HAYWARD, WILLIAM J., Stroud, Glos., Tent Maker. Gloucester. Pet. Jan. 22. Ord. Jan. 22.

HESKETH, ALFRED W., Crewe, Hardware Dealer. Nantwich. Pet. Jan. 22. Ord. Jan. 23.

HEYBOURN, ALFRED R., West-st., E.C. High Court. Pet May 24. Ord. Jan. 24.

HICKMAN, ALBERT W., Great Marlow, Turf Accountant. Aylesbury. Pet. Dec. 2. Ord. Jan. 24.

HUTCHINS, JOHN W., Preston, Licensed Victualler. Preston. Pet. Jan. 23. Ord. Jan. 23.

HARRIS, M. R., & Co., Brixton-rd., S.W., Leather Goods Factors. High Court. Pet. Nov. 22. Ord. Jan. 24.

JENKINS, HERBERT J. C. C., Tywardreath, Cornwall, Butcher. Truro. Pet. Jan. 23. Ord. Jan. 23.

JONES, WILLIAM A., Liverpool, Shipping Agent. Liverpool. Pet. Jan. 10. Ord. Jan. 24.

JUGGINS, ELEADER, Coventry, Licensed Victualler. Coventry. Pet. Jan. 23. Ord. Jan. 23.

KERR, JOHN L., Bush-lane, E.C., Financier. High Court, Pet. Dec. 5. Ord. Jan. 24.

LEE, HUBERT, Farsley, Yorks, Electrician. Bradford. Pet. Jan. 22. Ord. Jan. 22.

LEITH, GEO. P., Chelsea. High Court. Pet. Dec. 15. Ord. Jan. 24.

LONGHURST, WILLIAM M., and WHITMAN, HORACE A. L. F., Oxford, Grocers. Oxford. Pet. Jan. 22. Ord. Jan. 22.

LUXENBURG, DANIEL, West Hampstead. High Court. Pet. Dec. 28. Ord. Jan. 24.

MASON, THOMAS D., Sunderland, Licensed Victualler. Sunderland. Pet. Jan. 23. Ord. Jan. 23.

MEADE, GEORGE H., Ludgershall, Wilts, Saddler. Swindon. Pet. Jan. 24. Ord. Jan. 24.

MOTTERSHEAD, WILLIAM, Leeds. Leeds. Pet. Jan. 24. Ord. Jan. 24.

NICHOLLS, ROBERT A., Bloxwich, Corn and Seed Merchant. Walsall. Pet. Jan. 22. Ord. Jan. 22.

OLDREIVE, WALTER C., Otley, Furniture Dealer. Leeds. Pet. Jan. 23. Ord. Jan. 23.

PARKER, ALBERT, Scarborough, Grocer. Northallerton. Pet. Jan. 23. Ord. Jan. 23.

PEACOCK, JAMES W., Calow, near Chesterfield, Fent and Wallpaper Dealer. Chesterfield. Pet. Jan 22. Ord. Jan. 22.

PEDERSEN, ALFRED M., Hornsea, Yorks., Foreign Correspondent. Kingston-upon-Hull. Pet. Jan. 22. Ord. Jan. 22.

PERCIVAL, JOSEPH, Parbold, Lancs., Caterer. Wigan. Pet. Jan. 22. Ord. Jan. 22.

PERRING, HERBERT J., Bishopsteignton, Devon, Gardener. Exeter. Pet. Jan. 22. Ord. Jan. 22.

PHILLIPS, GEORGE, Llangynog, Coal Merchant. Newtown. Pet. Jan. 22. Ord. Jan. 22.

SMITH, RALPH, Leeds, Butcher. Leeds. Pet. Nov. 11. Ord. Jan. 24.

SMITH, STEPHEN A., Winlaton, Durham, Dairyman. Newcastle-upon-Tyne. Pet. Jan. 23. Ord. Jan. 23.

SOANES, JAMES, Lowestoft, Coal Dealer. Great Yarmouth. Pet. Jan. 23. Ord. Jan. 23.

SOWERBY, WILLIAM, Kingston-upon-Hull, Fruiterer. Kingston-upon-Hull. Pet. Jan. 23. Ord. Jan. 23.

SPARLING, Rev. FREDERICK L., Worcester Park, Surrey. Croydon. Pet. Nov. 17. Ord. Jan. 23.

TATTERSALL, JOHN W., Manchester. Manchester. Pet. Jan. 10. Ord. Jan. 23.

THOMAS, OSWALD, Swansea, Wholesale Butcher. Swansea. Pet. Jan. 20. Ord. Jan. 20.

WALSH, EDWARD, Bolton, Grocer. Bolton. Pet. Jan. 22. Ord. Jan. 22.

WAUGH, ANDREW, Berwick-upon-Tweed, Farmer. Newcastle-upon-Tyne. Pet. Jan. 3. Ord. Jan. 22.

WILLIAMS, ERNEST, Birmingham. Birmingham. Pet. Dec. 15. Ord. Jan. 23.

WILLIAMSON, ABEL, Oldham, General Draper. Oldham. Pet. Jan. 22. Ord. Jan. 22.

WINTLE, J., Frogmore, near Kingsbridge, Farmer. Plymouth. Pet. Dec. 29. Ord. Jan. 22.

WOODWARD, WILLIAM T., Oldham, Hairdresser. Oldham. Pet. Jan. 23. Ord. Jan. 23.

WRIGHT, HARRY, Beccles, Grocer. Great Yarmouth. Pet. Jan. 12. Ord. Jan. 24.

WRIGHT, JOHN, Pembroke Dock, Tobacconist. Haverfordwest. Pet. Jan. 20. Ord. Jan. 20.
Amended Notice substituted for that published in the *London Gazette* of Dec. 22, 1922:—

LILLIE, ALEXANDER, the younger, Great Ayton, Coal Merchant. Stockton-on-Tees. Pet. Dec. 2. Ord. Dec. 20.

London Gazette.—TUESDAY, January 30.

ADDISON, ALBERT G. P., Ardley, near Bicester, Smallholder. Banbury. Pet. Jan. 25. Ord. Jan. 25.

AUSTIN, GEORGE P., Heronfield, Warwick, Licensed Victualler. Birmingham. Pet. Dec. 14. Ord. Jan. 25.

BALDERSON, HARRY, Helpston, Northampton, Coal Merchant. Peterborough. Pet. Jan. 26. Ord. Jan. 26.

BALMFORTH, JOEL, Sheffield, Coal Dealer. Sheffield. Pet. Jan. 26. Ord. Jan. 26.

BIRKDALE GARAGE CO., Birkdale, Motor Garage Proprietors. Liverpool. Pet. Oct. 28. Ord. Jan. 25.

BOTTOMLEY, CHARLES E., Saltaire, Yorks., Grocer. Bradford. Pet. Jan. 27. Ord. Jan. 27.

BROWN, ERNEST W., Bradwell-on-Sea, Essex, Farmer. Chelmsford. Pet. Jan. 24. Ord. Jan. 24.

BURT, RICHARD W., Newlyn East, Cornwall, Farmer. Truro. Pet. Jan. 25. Ord. Jan. 25.

CLEAVE, LILY B., Regent-st., Court Dressmaker. High Court. Pet. Jan. 27. Ord. Jan. 27.

COHEN, CHARLES, Leeds, General Dealer. Leeds. Pet. Jan. 18. Ord. Jan. 26.

COHEN, ISIDORE, Fann-st., Golden-lane, E.C. High Court. Pet. Jan. 26. Ord. Jan. 26.

COOPER, A. J., John-st., Adelphi. High Court. Pet. Dec. 12. Ord. Jan. 25.

DAVIES, SAMUEL, Blackpool. Warrington. Pet. Dec. 29. Ord. Jan. 26.

DAWES, JOSEPH, Measham, Leicester, Licensed Victualler. Burton-on-Trent. Pet. Jan. 23. Ord. Jan. 23.

DODDS, ALFRED, Jarrow, Newsagent. Newcastle-upon-Tyne. Pet. Jan. 26. Ord. Jan. 26.

FORRESTER, JOHN, Wem, Salop, Greengrocer. Shrewsbury. Pet. Jan. 24. Ord. Jan. 24.

GARNETT, FREDERICK G., Wolverhampton. High Court. Pet. Dec. 11. Ord. Jan. 24.

GOODWIN, THOMAS, Cheshunt, Coal Merchant. Edmonton. Pet. Jan. 4. Ord. Jan. 26.

GRAHAM, THOMAS A., Liverpool, Slipper Manufacturer. Liverpool. Pet. Nov. 17. Ord. Jan. 25.

HADLEY, CHARLES H., Buxton, Motor Engineer. Salford. Pet. Jan. 26. Ord. Jan. 26.

HINDLE, GEORGE, Huddersfield, Furniture Dealer. Huddersfield. Pet. Jan. 26. Ord. Jan. 26.

KINMAN, JAMES, Birmingham, Boot Repairer. Birmingham. Pet. Jan. 24. Ord. Jan. 24.

KNIGHT, ARCHIBALD H., Gorseinon, Glam., Labourer. Swansea. Pet. Jan. 26. Ord. Jan. 26.

LAMMING, JOHN, Herne Bay. Canterbury. Pet. Jan. 2. Ord. Jan. 27.

LANE, JAMES, Cradley, Farmer. Worcester. Pet. Jan. 24. Ord. Jan. 24.

LANE, JANE, Cradley, Farmer. Worcester. Pet. Jan. 24. Ord. Jan. 24.

LAWSON, JOHN E., Warsop, Notts., Farmer. Nottingham. Pet. Jan. 27. Ord. Jan. 27.

LENNOX, PERCIVAL L., Dover-st., W.1, Engineer. High Court. Pet. Nov. 30. Ord. Jan. 24.

LUCAS, BEATRICE, Oldham, Contractor and Carrier. Oldham. Pet. Jan. 16. Ord. Jan. 26.

LYONS, HUBERT J., Cardiff, Upholsterer. Cardiff. Pet. Dec. 13. Ord. Jan. 26.

MARSHALL, W. H., John-st., Adelphi. High Court. Pet. Dec. 12. Ord. Jan. 25.

MCGHEE, J. W., Liverpool, Grocer. Liverpool. Pet. Jan. 5. Ord. Jan. 26.

MILLER, SAM B., Manchester, Wholesale Jeweller. Manchester. Pet. Jan. 16. Ord. Jan. 26.

MOSESON, HAROLD, Kingston-upon-Hull, General Dealer, Kingston-upon-Hull. Pet. Jan. 26. Ord. Jan. 26.

PANKOWSKI, SIMON, Middlesbrough, Cycle and Gramophone Dealer. Middlesbrough. Pet. Jan. 5. Ord. Jan. 24.

PARRY, WILLIAM T., Haverfordwest. Haverfordwest. Pet. Jan. 26. Ord. Jan. 26.

PAYNE, CHARLES E., Mortimer-st., Commercial Traveller. High Court. Pet. Dec. 27. Ord. Jan. 26.

PIERCE, WILLIAM J., Chesterfield, Fruit Preserver. Chesterfield. Pet. Jan. 27. Ord. Jan. 27.

RADCLYFFE, MAURICE W., Combe Martin, Licensed Victualler. Barnstaple. Pet. Jan. 27. Ord. Jan. 27.

RENNARDSON, SAMUEL J., Kingston-upon-Hull, Butcher. Kingston-upon-Hull. Pet. Jan. 24. Ord. Jan. 24.

REYNOLDS, EDWARD, Shilton, near Coventry, Farmer. Coventry. Pet. Jan. 26. Ord. Jan. 26.

ROBINSON, FRED, Walkeringham, Notts., Farmer. Lincoln. Pet. Jan. 25. Ord. Jan. 25.

RUSSIN, ABRAHAM, Clapton, Commercial Clerk. High Court. Pet. Jan. 27. Ord. Jan. 27.

SCHOLES, JOSEPH, Southport. Liverpool. Pet. Aug. 9. Ord. Jan. 25.

SHARPE, ALBERT, Wadhurst, Motor Dealer. High Court. Pet. Dec. 11. Ord. Jan. 25.

SIMONS, E. H., Bartholomew-close, E.C. High Court. Pet Jan. 3. Ord. Jan. 26.

SLADE, HENRY G. B., Sandgate, Kent, Dairyman. Canterbury. Pet. Jan. 26. Ord. Jan. 26.

STOREY, EDWARD C., Aldeburgh, Suffolk, Licensed Victualler. Ipswich. Pet. Jan. 26. Ord. Jan. 26.

SURBEY, THOMAS, Whitwood Mere, near Castleford, Coal Dealer. Wakefield. Pet. Jan. 25. Ord. Jan. 25.

SYDNEY, A. L., Philpot-lane, E.C. High Court. Pet. Oct. 30. Ord. Jan. 25.

TUSTING, T. R., Piccadilly. High Court. Pet. Sept. 28. Ord. Jan. 25.

USHERWOOD, SAMUEL, Birmingham, Spring Maker. Birmingham. Ord. Jan. 24.

VICKERS, HERBERT, Victoria-st., Financier. High Court. Pet. Dec. 21. Ord. Jan. 25.

WATSON, JOHN S., Beverley, Licensed Victualler. Kingston-upon-Hull Pet. Jan. 25. Ord. Jan. 25.

WEBB, FRANCIS J., Argyll-st. High Court. Pet. Dec. 7. Ord. Jan. 25.

WHITE, GEORGE W., Milnrow, near Rochdale, Engineers' Clerk. Rochdale. Pet. Jan. 26. Ord. Jan. 26.

WHYBROW, HERBERT, Woking, Laundry Proprietor. Guildford. Pet. Jan. 26. Ord. Jan. 26.

WILLIAMS, CHARLES O., Walton, Liverpool, Building Contractor. Liverpool. Pet. Jan. 6. Ord. Jan. 25.